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The Scottish Government and the French Threat,
1792-1802

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I hereby certify that this thesis has been composed and written by me, and that it is
entirely my own work.

.....*Atle L. Wold*..... Edinburgh, July 2003

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Abstract

Over the period 1792 to 1802 the British state faced the unprecedented situation of fighting a war against France, while simultaneously being challenged on the home front by an upsurge of political radicalism and demands for extensive alterations in the British political system. In the early part of the period, it was the threat posed by domestic radicalism and radical agitation which posed the greatest challenge to the government, but gradually, as radicalism was defeated and the threat of invasion from France increased, the war effort became the main priority and cause of concern for the authorities.

This thesis examines Scotland's contribution to the British state's war against Revolutionary France and its struggles against the domestic challenges of the 1790s, with a view to establish how the government of Scotland met and handled the specific challenges it faced over the course of the decade, and the extent to which the Scots rallied to the defence of British state at this time of crisis. Chapter one sets out the main challenges facing the authorities in Scotland in this period, while chapter two addresses the government's overall response and policies. Emphasis has been placed on the relationship between the central government in London and local government officials in Scotland, and the degree of interaction which took place between the two. Chapter three provides more detail on the political trials which followed the government's decision to bring some of the leading radicals before the law courts on a charge of sedition, while chapters four and five address the two crucial aspects of the Scottish contribution to the war effort – the recruitment of men for service in the armed forces, and the financing of military operations. It is argued here that, while Scotland provided more than a proportionate share of men for armed service, the Scottish financial contribution was less than proportionate. The last two chapters examine the support the government received from the Scottish public. Chapter six looks at the various ways in which the Scots demonstrated loyalty to the British state at a time of war, and chapter seven discusses the arguments presented by loyalist writers in Scotland.

Sections on naval protection for Scotland, barracks-building and the Scottish whisky-industry were omitted from the final version of the thesis to reduce its length,

as were some details on the manager system and Henry Dundas, on the law of sedition in Scotland, and on the causes of the militia riots in 1797.

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Last but not the least, my parents have given me every support and encouragement throughout my studies, and have patiently endured my tendency of shifting the focus of any conversation two hundred years back in time.

Abbreviations

References to institutions are given in full for the first citation in each chapter, thereafter by the acronyms listed below. Sources are also cited in full in the first footnote in each chapter, and thereafter by authors’ surnames and shortened titles. A complete list of all the sources that were consulted for this thesis can be found in the bibliography at the end.

BL	British Library (London)
BSA	Bank of Scotland Archives (Edinburgh)
EUL	Edinburgh University Library
EULL	Edinburgh University Law Library
NAS	National Archives of Scotland (Edinburgh)
GD	General Deposits (in NAS)
RH	Home Office Correspondence: Scotland (in NAS)
NLS	National Library of Scotland (Edinburgh)
ST	Willam Cobbett’s <i>State Trials</i>

Introduction

Over the course of the 1790s the British state was faced with challenges both to the preservation of its form of government and to its very existence, of a scale, nature and severity which had arguably not been experienced since the Act of Union in 1707. These challenges were all connected with the French Revolution, and, although not all of them were directly caused by events in France, the French Revolution formed the backdrop against which all aspects of British life in this period needs to be understood.

In the early part of the decade, the main challenge to the British state was domestic, posed by the upsurge of political radicalism, agitation for a reform of, or change to, the existing political institutions and form of government in Britain, and by politically induced popular disturbances; all of which followed in the wake of the Great French Revolution of 1789. On 1 February 1793, however, Britain entered the war against Revolutionary France, and, gradually – as radicalism and the domestic challenge to the regime was largely defeated over the course of 1792-95, and the war began to make its impact – the main challenge to the British state shifted to the external threat posed by the armed might of the French Republic and to the implications of fighting a war. For the remainder of the decade, it was the problems related to the war against France – the need to raise large numbers of men for service in the armed forces and the unpopularity of such service, as well as the threat of a French invasion of the British Isles – which formed the overriding concern for the authorities in Britain. Those remnants of domestic radicalism which were still in existence were of less importance.

Whereas extensive work has been done on radicalism and the radical movement in Scotland,¹ and several historians have investigated the structure of the Scottish government in this period,² fewer attempts have been made to provide an

¹ See, in particular: John D. Brims, 'The Scottish Democratic Movement in the Age of the French Revolution', unpublished Ph. D. thesis (University of Edinburgh, 1983).

² David J. Brown, 'Henry Dundas and the Government of Scotland', unpublished Ph. D. thesis (University of Edinburgh, 1989); Michael Fry, *The Dundas Despotism* (Edinburgh, 1992); Holden Furber, *Henry Dundas: First Viscount Melville 1742-1811* (Oxford, 1931); and Cyril Matheson, *The Life of Henry Dundas: First Viscount Melville 1742-1811* (London, 1933).

overall view of the contribution Scotland made to the war against Revolutionary France, or to establish the extent to which Scots came to the defence of Great Britain at a time of crisis for the British state.³ This thesis attempts to address the issue of the Scottish contribution to, and support for, the war against the French Republic by, first setting out the main challenges facing the Scottish authorities in the period 1792 to 1802 in chapter one; then examining how the government of Scotland responded to the crisis of the 1790s and attempted to rally the resources of the nation behind the war effort in chapters two to five; before looking at the nature and extent of the support the authorities received from the Scottish public in general in the last two chapters. An underlying theme in this approach has been to investigate Scotland's role and place within the Union of Great Britain, and the extent to which the war-time experience of the 1790s served to promote the further integration of Scotland in the British state.

Compared to England, Scotland was late in the day in terms of developing a radical movement with significant popular backing following the French Revolution in 1789, and Scottish radicals followed largely in the footsteps of those in England. Moreover, while disturbances with a political content had taken place in England in 1791, it took until the spring of 1792 before Scotland followed suit. From then onwards, however, the domestic challenge to the regime was as serious a problem for the authorities in Scotland, as it was in Great Britain as a whole, and some of the most violent and widespread political disturbances of the decade also took place north of the border. The most famous of these was the King's birthday riot in Edinburgh in June 1792, but there were also extensive disturbances in Perth and Dundee in November the same year. Edinburgh became the centre for the radical movement in Scotland, and four radical conventions were held there over the course of 1792-93, the last of which came to name itself the 'British Convention', and was attended by delegates from English radical societies as well as the Scottish. Following the forced dispersal of the British Convention, the authorities in Scotland discovered the only radical conspiracy of the 1790s – the so-called 'Pike Plot', a plan

³ The one notable work is that by Henry Meikle, although Meikle did not address the issue of Scottish loyalism to any considerable extent. Henry W. Meikle, *Scotland and the French Revolution* (Glasgow, 1912).

to seize control of Edinburgh Castle – in May 1794, before the scheme could be set in motion. The challenges created by the war were largely the same for the whole of Britain, and, although there existed a separate French plan for an invasion of Scotland, the threat of a French landing on the British Isles was perceived to be a national British concern.

The sudden upsurge of radical agitation and popular disturbances in Scotland in the spring of 1792 took most government officials by surprise, and some of them were clearly rattled and wrong-footed to begin with. Once the initial confusion had been overcome, however, the governing classes of Scotland were gradually able to compose themselves and to respond to the challenge. To an extent, this must have been due to the fact that the central government figures in Britain, the Prime Minister William Pitt, and the Scottish ‘manager’ Henry Dundas, themselves never wavered in the face of the crisis of 1792, but remained calm and took firm control of affairs. Although the crisis of 1792 was thus overcome, there are clear indications that the central government was not entirely satisfied with the conduct of its men on the ground in Scotland, or with the Scottish system of local government in general, and this was part of the reason for the decision to introduce the English system of lords lieutenant in Scotland in 1794. Following the widespread disturbances of 1792, the central government devised a comprehensive strategy to defeat radicalism, of which the more practical elements were master-minded by Henry Dundas. In essence, the government’s response rested on two main pillars. One was to provide local government officials with a set of instructions and guidelines on how they should handle radicalism and respond to political disturbances in their own localities, the other to bring the leading radicals – the ‘ringleaders’ – before the Scottish law courts on a charge of sedition. Setting up a strategy to defeat radicalism was, however, one thing, the practical implementation of the policies another, and it is argued in chapter two that central and local government were not always in agreement on how best to solve a particular problem. As a consequence of this, there was a certain degree of interaction between the two with respect to the day-to-day implementation of policies, and, in some cases, local public officials in Scotland demonstrated a reluctance to accept those instructions from the central authorities which they

perceived to be a matter of English interference in 'internal' Scottish affairs. In addition to its reactive measures, however, the government also decided to give its backing to the emerging loyalist association movement, in what amounted to an attempt at out-competing the radicals on their own turf by encouraging popular support for the state.

While chapter one thus presents the main challenges which faced the government of Scotland in the 1790s, and chapter two addresses the government's overall response and policies, chapter three provides a more detailed discussion of the political trials which followed the government's decision to prosecute leading radicals for the crime of sedition. It is the main argument of this chapter that, although the Scottish law courts consistently produced the convictions the government sought, and for that reason were more reliable than the English law courts, the political trials staged in Scotland were not an unmitigated success for the authorities. The behaviour some of the Scottish judges displayed in court became an embarrassment for the government, and rendered the propaganda value of the trials highly questionable. In this sense, it can be argued that the Scottish trials proved to be a double-edge sword for the authorities, but at the same time, it is clear that the government undoubtedly preferred the convictions the Scottish law courts produced over the many acquittals obtained at the English courts. In terms of defeating radicalism, the Scottish courts therefore proved to be the more potent weapon for the government.

In order to fight a war, men had to be enlisted for armed service and funds needed to be raised to finance military operations. Chapters four and five discuss the Scottish contribution of manpower for the armed forces and revenues for the Treasury respectively. The overall argument presented here is that, while Scotland provided more than a proportionate number of men for armed service, the Scottish financial contribution was less than proportionate. As far as military recruitment was concerned, the government did not pursue a consistent policy throughout the decade, but altered its priorities in accordance with the fortunes of war. Thus, in those periods when the war was going favourably for Britain, emphasis was placed on raising men for the regular armed forces, the Army and the Royal Navy, while at

those times when the prospects were bleaker and the threat of a French invasion loomed, the government focussed on strengthening the forces for invasion defence. It is also clear, however, that, with respect to the forces for internal defence, the government's recruitment policies were marked by a certain degree of trial and error, where the mistakes made in the early part of the war were attempted to be rectified at a later stage. Since it was recruitment for the defence forces that presented the government of Scotland with the more challenging tasks, this forms the main focus of chapter four. Particular emphasis has been given to the raising of a Scottish militia in 1797. While it is argued here that popular opposition to the militia in Scotland was widespread, and that the rioting this produced in 1797 was extensive and serious, it is also stressed that the responses to the Militia Act were more varied than has often been allowed, and that there were many Scots who either supported the measure, or took a more constructive approach than outright opposition. The case of the Edinburgh Militia also points in the direction of a force that was well-disciplined once it had been raised. The Scottish financial contribution to the war has been dealt with in less detail than the military contribution. This is partly due to the limited amount of statistical material which has survived on tax returns and other financial issues in the 1790s, but also because Scotland did not play as important a role in the financing of the war, as in the military effort.

The government's decision to encourage popular loyalism raises the question of the extent to which the Scots responded to this incentive, and gave their voluntary support for the government and the war effort. Chapter six examines the various ways in which the Scots demonstrated their loyalty to the state in the 1790s, with a focus on determining *who* gave their support, whether a certain demonstration of loyalty implied any significant '*cost*' or *sacrifice* on the part of those who stood behind it, and if Scottish loyalism ever threatened to become a political force outside of the government's control. It is argued here that, while the loyalist association movement never seemed to have gained as strong a foothold in Scotland as it did in England, the Scots demonstrated their loyalty to the state more forcefully in other ways. Among these, loyalist resolutions represent the most extensive source of evidence, but other demonstrations can be seen to involve a greater sacrifice. Many

Scots, for example, made efforts to provide the government with information about radicals or presented policy-suggestions of their own making. Others offered their personal service to the state – either in a military capacity or otherwise – while a very substantial number of Scots gave a voluntary financial contribution to the state, the war effort or to other war-related purposes.

Support for the government was, however, expressed as much by words as by actions, and chapter seven examines the *arguments* presented by Scottish loyalists in the political debate of the 1790s. It is essential in this context to stress that Scottish pamphleteers took part in a nationwide *British* debate between loyalists on the one hand and radicals on the other, and most of their arguments therefore addressed issues of a British concern. Nevertheless, some Scottish loyalist writers developed arguments specifically aimed at a Scottish audience, or explained and adapted their points, with the intention of making them more readily understandable for ordinary Scots. Many also went to considerable lengths to demonstrate why the Scots had a particular interest in defending the British political system and supporting for the war against France. In the final section of chapter seven, an attempt has been made to summarise the Scottish experience of the 1790s, by looking at the issue of ‘Britishness’ and British patriotism in Scotland.

Chapter 1

The Challenge to the Government

At the beginning of the 1790s there was not much reason to expect a political upheaval of any sort in Scotland, nor that the Scots would launch a challenge to the existing political regime. To the extent that there had been any politically motivated agitation in Scotland before, it had either been caused by issues concerned with religion or religious patronage,¹ or it had been related to the largely middle-class and moderate campaign for a reform of the Scottish burghs and election laws.² Although some historians have attributed a 'political awakening' to the Scots in the immediate years following the American War of Independence, there had been few signs of this materialising in the shape of active political campaigning by many Scots before 1789.³ This situation would, however, be dramatically changed as the French Revolution gradually made its impact in Scotland.

¹ Robert Kent Donovan, for example, has argued that Protestant opposition to the Roman Catholic Relief Act of 1778 – whereby Catholics were permitted to serve in the British Army for the duration of the American War of Independence – 'brought active, long-lived political awareness to large numbers of Scotsmen for the first time'. Robert Kent Donovan, *No Popery and Radicalism: Opposition to Roman Catholic Relief in Scotland, 1778-1782* (London, 1987), p. 7. See also: Frank O'Gorman, *The Long Eighteenth Century: British Political and Social History 1688 – 1832* (London, 1997), p. 232. While the fierce opposition to Catholic Relief was a nation-wide phenomenon, disputes over the use of patronage within the Church of Scotland – i.e. who would have the authority to appoint parish ministers: the local laird or the Presbyterian congregation of the parish – were of more local concern, but remained a cause of bitter conflicts throughout the eighteenth century. For discussions of church patronage, see two articles by Stewart J. Brown: 'Church-State Relations in Scotland after the Union', in *The Challenge to Westminster: Sovereignty, Devolution and Independence*, eds., H. T. Dickinson and Michael Lynch (East Lothian, 2000), pp. 71-80; and: 'Religion in Scotland' [forthcoming]; as well as: John D. Brims, 'The Scottish Democratic Movement in the Age of the French Revolution', unpublished Ph.D. thesis (University of Edinburgh, 1983), p. 35; T. M. Devine, *The Scottish Nation 1700-2000* (London, 1999), p. 199; William Ferguson, *Scotland: 1689 to the Present* (Edinburgh, 1968), pp. 110-11, 121, 127; Henry W. Meikle, *Scotland and the French Revolution* (Glasgow, 1912), pp. 35-40; Rosalind Mitchison, *A History of Scotland* (London, 1970), p. 354; and Emma Vincent, 'The Responses of the Scottish Churchmen to the French Revolution, 1789-1802', *Scottish Historical Review*, 73 (1994), 191-215.

² The campaign for political reform in Scotland began in the spring of 1782 and continued until 1785, when – frustrated by the defeat in the House of Commons of the two reform bills emanating from the work of the campaigners – the movement ran out of steam, and remained in a subdued state until the advent of the French Revolution re-ignited the hopes of achieving reform. See: Brims, Ph.D., pp. 45-57; Devine, *Scottish Nation*, pp. 201-3; and Meikle, *Scotland*, pp. 11-27. Compared to England, where the foundations for extra-parliamentary criticism of the government and the political system had existed since the early eighteenth century, and where such criticism had been voiced more openly since 1760, Scotland was thus 'late in the day' in terms of developing a political opposition of some significance. H. T. Dickinson, *The Politics of the People in Eighteenth-Century Britain* (Basingstoke, 1994), pp. 190-91, 221-34.

³ For the argument on a 'political awakening' following the American War, see: Meikle, *Scotland*, p. 1-5; and William Law Mathieson, *The Awakening of Scotland: a history from 1747 to 1797* (Glasgow,

In Scotland, the French Revolution has been widely credited with re-igniting the dormant burgh reform movement and creating an unprecedented interest in political matters among all classes of society.⁴ For those who had already been campaigning for a reform of the political system in Britain, such as the burgh reformers in Scotland, the French Revolution served as an inspiration, making them believe that reform was now finally a genuine possibility. But where the burgh reform movement of the 1780s had attracted mainly upper and middle-class support, the revolution in France also created a widespread interest in political reform among the ordinary people of Scotland.⁵ With the Scottish press reporting extensively on the revolution as the dramatic events unfolded in Paris, the newspaper-reading Scottish public was kept remarkably well informed on French affairs,⁶ and, although it is clear that 'the Revolution did not create the tensions of late eighteenth-century Scottish society', it seems equally evident that, by its example, 'it galvanised ordinary people into action'.⁷ In the first two and half years after the fall of the Bastille, however, little or no such direct political action appear to have followed from this new popular interest in political reform. While unrest in connection with the French Revolution had

1910), pp. 76-80, 180. This view has, however, been criticised by Rosalind Mitchison, who has argued that Scotland had been 'relatively unaffected by the political unrest of the period of the war of American Independence', while Robert Kent Donovan has argued that the political awakening in Scotland was more due to opposition to Catholic Relief, and John Brims has questioned the whole notion of a political 'awakening': Mitchison, *History*, p. 362; Donovan, *No Popery*, pp. 307-12; and Brims, Ph.D., p. 1.

⁴ See for example: Lord Cockburn, *Memorials of his time* (Edinburgh, 1856, and 1977) pp. 45, 80; Kenneth J. Logue, *Popular Disturbances in Scotland 1780-1815*, (Edinburgh, 1979), Introduction; Meikle, *Scotland*, p. 44; and Emma Vincent Macleod, 'The Influence of the French Revolution in Scotland', in *The Auld Alliance: France and Scotland over 700 Years*, ed., James Laidlaw (Edinburgh, 1999), p. 126.

⁵ Logue, *Popular Disturbances*, p. 10.

⁶ The Scottish press continued to cover events in France in detail all through the 1790s. The pro-government *Caledonian Mercury*, for example, devoted large sections to reports on discussions in the French National Assembly, the later National Convention and Committee of Public Safety and the Directory. In the *Caledonian Mercury* there was an emphasis on factual information, and on reporting precisely the statements made by different politicians in the various debates. Most ordinary Scots were also literate by 1790, and, although it is uncertain how common it was to read newspapers, the number of newspapers published in Scotland had risen sharply in the 1780, which indicates that the readership must also have been increasing. There were 27 Scottish newspapers in 1790 compared to only eight in 1782. Devine, *Scottish Nation*, p. 203.

⁷ Macleod, 'Influence of the French Revolution', p. 126.

broken out in England already in 1791 – when attempts to celebrate the anniversary of the fall of the Bastille had provoked an anti-reform riot in Birmingham – similar celebrations in Scotland at the same time passed quietly.⁸ The absence of unrest in Scotland in the first years of the French Revolution was, however, brought to a dramatic end in the spring of 1792, when a wave of rioting erupted across much of the country, and now the disturbances gave every appearance of having a political content.

The Sheriff of Lanark – where the first riot took place at the end of April or beginning of May 1792 – wrote a letter to Henry Dundas, the Home Secretary, in which he stated that: ‘For Eight days passt [sic], the Town of Lanark ... of Which I am Sheriff has been in a very disagreeable State of Tumult and Disorder’. The unrest had started with ‘Incendiary’ letters – threatening the provost and several magistrates ‘in their Lives and Properties’ – being dropped in the street, and then, on 4 May: ‘One or Two Guns or Pistols loaded with Balls were discharged at the Window of the Provosts house and into the Room where he usually Sat and was sitting at the time. Two of the Balls pierced the Window boards and passed within a Yard of the Provosts Body’.⁹ Local grievances were ostensibly concerned with a decision made by the magistrates to take hold of a part of the ‘Moor’ (open to all inhabitants of the burgh), but the real cause, the Sheriff believed, was ‘an almost universal Spirit of Reform and opposition to the established Government and Legal Administrators, which has wonderfully diffused through the Manufacturing Towns of this County’.¹⁰ The most serious of the politically induced riots which followed was the King’s birthday-riot in Edinburgh that took place over three days beginning on 4 June (the King’s birthday), and during which the target of the crowds’ discontent was unmistakably the Scottish ‘manager’, Henry Dundas,¹¹ and other figures of authority in Edinburgh.¹²

⁸ Meikle, *Scotland*, pp. 67, 70-71; Michael Fry, *The Dundas Despotism* (Edinburgh, 1992), p. 159; and Cyril Matheson, *The Life of Henry Dundas: First Viscount Melville 1742 – 1811* (London, 1933), p. 153.

⁹ National Archives of Scotland [NAS], Home Office Correspondence, Scotland, RH2/4/63 ff. 32-32v, Mr Sheriff Honyman to Henry Dundas, Lanark, 8 May 1792.

¹⁰ *Ibid.*

¹¹ For a discussion of the manager-system and Henry Dundas, see: chapter 2, pp. 44-5.

¹² Logue, *Popular Disturbances*, pp. 133-43; Michael Fry, *Patronage and Principle: A Political History of Modern Scotland* (Aberdeen, 1987) p. 13; Macleod, ‘Influence of the French Revolution’,

Popular unrest and crowd activity on the King's birthday was not new in Scotland by 1792. The monarch's birthday had for a long time been a cause of celebration for the whole community, and, with often quite large crowds of people turning out on the streets to partake in the joyous occasion, there was always a potential for unrest (particularly as drunkenness usually played a prominent part in the event). Christopher Whatley has demonstrated how these celebrations tended to be accompanied by rioting, and that 'intimidating and aggressive behaviour' on the day was 'commonplace ... anything else was unusual'.¹³ Indeed, in its report on the 1792 birthday celebrations in Edinburgh, *The Times* stated that 'this day (the King's Birthday) passed more peaceably than for many years past', before quickly adding that 'in the evening' a full-scale riot had ensued.¹⁴ The disturbances which took place in Edinburgh in 1792, however, differed markedly from unrest in previous years. This was partly because of the political objectives espoused by the crowds – as opposed to merely drunkenness and boisterous behaviour – and partly because of the build-up to the riot. The first indication that someone were intending to stir up unrest had surfaced as early as in May, when a handbill, announcing that the heroes of the French Revolution were to be burned in effigy, had been published in Edinburgh.¹⁵ Then, the week before 4 June (which was a Monday) handbills were posted up in public places all over Edinburgh. The Provost, James Stirling, responded by sending out patrols of soldiers in the streets in order to remove all seditious material they could find, since he himself saw 'Reason to apprehend that some evil disposed persons were using means to excite tumults upon his Majestys birth day'.¹⁶ No fewer than fourteen different placards were taken down and brought to the Provost, all containing a message hostile to figures of authority. Some of them were rambling

p. 127; Meikle, *Scotland*, p. 81; and Christopher A Whatley, 'Royal Day, People's Day: The Monarch's Birthday in Scotland, c. 1660-1860', in *People and Power in Scotland: Essays in honour of T. C. Smout*, eds., Roger Mason and Norman Macdougall (Edinburgh, 1992), p. 170. The riot caused serious concern among central government officials in Scotland, and an extensive correspondence has survived in the Home Office papers for Scotland, see: NAS, RH2/4/63, ff. 70-95, 185, and RH2/4/64, ff. 201-2, 209.

¹³ Whatley, 'Royal Day', p. 177. For Whatley's general argument, see: *ibid*, pp. 171-77.

¹⁴ *The Times*, 12 June 1792. This was the only year in the period 1792 to 1802 that *The Times* reported on the King's birthday celebrations in Scotland.

¹⁵ Logue, *Popular Disturbances*, p. 134. Logue's source was NAS, RH2/4/63, f. 31.

¹⁶ NAS, RH2/4/63, ff. 169-70, Declaration by James Stirling, Lord Provost of the City of Edinburgh, [not dated]. See also: Logue, *Popular Disturbances*, p. 134.

threats to the lives of the Provost and certain town councillors of Edinburgh, while others were urging people to turn out for planned demonstrations where Henry Dundas and other senior public officials were to be burned in effigy.¹⁷ Whether these handbills were instrumental in *causing* the King's birthday riot, or whether they only served to direct and organise already existing discontent may be difficult to ascertain, but the riots clearly followed the lead they provided.¹⁸ Disturbances first broke out in the evening on the King's birthday, when the large crowd of people which had gathered on the High Street, carried off and set fire to a sentry box. More rioting followed, and the Provost was only gradually able to disperse the crowds of people by deploying dragoons from the cavalry unit stationed at the castle. The next day the city was quiet until about six in the evening when a small crowd gathered outside the house of Lady Arniston (Henry Dundas's mother) in George Square, carrying with them an effigy meant to represent Henry Dundas. The effigy was set alight and the crowd began pelting the house with various objects, breaking several windows. Attempts made by two of the men in the house to disperse the crowd only seemed to fuel its anger, and the protesting group was steadily reinforced as more people joined its activities. Eventually, troops from the castle arrived to disperse the crowd, but this proved difficult and it was not until shots had been fired and at least one man had been killed that the riot subsided. The day after a large crowd again assembled in George Square about six in the evening, but the strong guard which had been put on duty outside of Lady Arniston's and the Lord Advocate's houses, probably discouraged further attacks, and the crowd eventually dispersed.¹⁹ No guard had, however, been positioned outside the house of the Lord Provost, and the crowd soon reassembled there, before it proceeded to break every window in the house. By the time the authorities had been able to respond and had sent troops over to that part of town, the crowd had melted away.²⁰ After this incident, no further riots took place in

¹⁷ One of them stated quite simply that: 'NOW IS THE TIME TO BURN THE VILLAIN. FEAR NOT – YOU WILL BE SUPPORTED', followed by, 'Burn the Villain Dundas'. NAS, RH2/4/63, f. 176, Handbill [original capitals].

¹⁸ It has been suggested that it was the defeat of Richard Sheridan's last motion for burgh reform in the House of Commons on 18 April that formed the main cause of the riot. Brims, Ph.D., p. 158. Henry Dundas had even resisted Sheridan's motion to bring his Reform Bill before Parliament in late March. *The Times*, 25 Feb. 1793

¹⁹ At the time the Lord Advocate of Scotland was Robert Dundas, Henry Dundas's nephew.

²⁰ Logue, *Popular Disturbances*, pp. 136-41.

Edinburgh, and two weeks later the Lord Provost could report to Henry Dundas that the city was in a state of 'the most remarkable peace and quietness'. In fact, the city had turned so quiet that the Lord Provost found himself 'puzzled to account how, the wanton and most unprovoked tumults of the Birthday originated'.²¹ Most government officials were, however, convinced that political radicals had been instrumental in stirring up the riots, and, although no firm evidence could be produced to substantiate this claim, from now on, not only did they look for connections with political radicals in all subsequent popular disturbances, but they also placed the political radicals under increasing scrutiny and pressure.²² The Edinburgh riot therefore marked a turning point. It undoubtedly represented a very serious breakdown of order, but of a different kind from those of previous years. While in the past, the Edinburgh crowds had tended to take action in support of the political *status quo*, they were now clearly acting against representatives of the ruling elite, and the authorities could be justified in viewing this as a potential threat to the existing political regime.²³ None the less, it is not immediately clear how representative the attitudes expressed by the Edinburgh crowds on this occasion were of the general mood among the Scottish lower orders. Certainly, similar disturbances *did* occur in many other places about the same time. Effigies of Henry Dundas were burned in Aberdeen, Dundee, Perth, Peebles, and – according to Henry Meikle – in 'almost every village in the North of Scotland';²⁴ but in Banff, attempts made by members of a local reform club – the Universal Liberty Club – to stir people into action by going about the streets encouraging them to burn effigies on the King's birthday, failed to create much of a disturbance.²⁵ Moreover, in Glasgow, it was reported that the 'rabble' had burnt effigies of John Wilkes and Thomas Paine at the

²¹ NAS, RH2/4/64, ff. 201-2, James Stirling to Henry Dundas, Edinburgh 20 June 1792. A few days earlier, it was reported in *The Times* that: 'Every thing has remained quiet in Edinburgh since Thursday last'. *The Times*, 15 June 1792.

²² Logue, *Popular Disturbances*, pp. 140-41.

²³ *Ibid.*, pp. 144-45.

²⁴ Meikle, *Scotland*, p. 81. It is not entirely clear what Meikle meant by the 'North of Scotland'. There were riots in Aberdeen, but according to Brims, this was not the case for the surrounding countryside: 'On the whole the north-east of Scotland was unfriendly towards political radicalism. The conservative tradition of that region which stretched back at least as far as the Reformation still exerted a powerful influence in the 1790s'. Brims, Ph.D., p. 193.

²⁵ Logue, *Popular Disturbances*, p. 147.

same time as the Dundases were the main target of the Edinburgh crowds.²⁶ The picture which emerges is therefore a complex one of different attitudes in different parts of the country. Some areas, such as the east coast from Edinburgh to Dundee, seemed to have been moved by events in France and at home into a new popular opposition to the government, while the industrialising towns in the west appeared to remain unaffected. T. M. Devine has argued that it would be 'a gross exaggeration to suggest that the Scottish people as a whole had become politically disaffected by 1792'. Rather it would seem that discontent and unrest had a local focus, and remained localised to certain centres of radicalism, such as Edinburgh, Dundee and Perth.²⁷

With the exception of one or two disturbances, Scotland remained relatively quiet over the late summer of 1792, and it was not until well into the autumn that further outbreaks of rioting over political issues occurred.²⁸ In the meantime, a wet summer and subsequent poor harvest, combined with the adverse effects of the Corn Law of 1791, led to food shortages and economic distress,²⁹ while the radical turn of the revolution in France on 10 August 1792, and the subsequent French victories over Austria and Prussia sparked a new degree of enthusiasm over politics among ordinary people in Scotland. Although the shortages of food caused by the poor harvest and exacerbated by the Corn Law had created a reservoir of discontent, the actual outbreak of disturbances seems to have had more to do with enthusiasm over the recent events in France. Most of the disturbances erupted after news of the French victory at Jemappes on 6 November had arrived in Scotland, and were concerned with crowds of people erecting 'Trees of Liberty'.³⁰ Unrest in connection with attempts to plant such trees occurred in places such as Stonehaven, Aberdeen, Fochabers, Auchtermuchty and Strathmiglo, and in Newburgh, plans of burning effigies of several local public officials demonstrated that these disturbances also had

²⁶ Whatley, 'Royal Day', p. 183.

²⁷ Devine, *Scottish Nation*, p. 205.

²⁸ Logue, *Popular Disturbances*, p. 149. There was a riot in Ross-shire in August, but it was not concerned with issues of political reform, see: chapter 2, pp. 47-9.

²⁹ Macleod, 'Influence of the French Revolution', p. 127. In the words of Michael Fry the Corn Laws 'set up an absurdly complex system to discourage imports and encourage exports'. Fry, *Dundas*, p. 166.

³⁰ The Tree of Liberty was a symbol for the famous principles of 'liberty, equality and fraternity', the very slogan of the French Republicans, and left little doubt as to what the crowds were celebrating.

an anti-establishment aspect to them.³¹ There were indications of unrest in other places as well. A smaller disturbance had occurred in Forfar,³² and Lord Adam Gordon – the Commander in Chief of the Armed Forces in North Britain – had found it necessary to station troops at Hamilton, Kilmarnock and Dumfries to retain peace and quiet there.³³ In Aberdeen, sailors had blocked the harbour, although it is not clear if their action was concerned with political grievances,³⁴ while at Edinburgh, a scuffle had ensued when ‘seven young tradesmen’ had gone up to the castle to drink with the soldiers and ‘politics unluckily became the topic’. The authorities suspected the tradesmen of trying to convert or hire the soldiers for the radical association ‘the Friends of the People’, and they were consequently arrested, with three of them later tried for sedition.³⁵ A ‘dispute with the seamen at Leith’, which had occurred about the same time, had been peacefully resolved by the brave intervention of the Countess of Hopetoun, who had herself gone down to the men and advised them ‘to abstain from every violence and seek redress with decency and temper’.³⁶ These were, however, minor incidents compared with the riots which took place in Perth and Dundee. Perth was a stronghold for reform politics in Scotland, and it was also here that the unrest first broke out and persisted for the longest period of time. On 6 November an effigy – probably meant to represent Henry Dundas – had been carried around the streets by a journeyman dyer dressed in women’s clothes, and, after the French general Dumouriez had entered Brussels, an anonymous correspondent reported that the people of Perth had ‘gone quite mad about Liberty and Equality’. Trees of Liberty were planted and hostility to Dundas was adamant.³⁷ The situation remained tense for a long time in Perth, and as late as 29 December David Smyth wrote to Henry Dundas that: ‘There is still a very violent spirit in the Town of Perth’,

³¹ Logue, *Popular Disturbances*, pp. 148-49.

³² NAS, Home Office, Supplementary papers, RH2/4/207, f. 393-94, Alexander Riddoch, Provost of Dundee, to Robert. Graham Esq., Dundee, 24 November 1792.

³³ NAS, RH2/4/65, ff. 104-5, Lord Adam Gordon to Henry Dundas, Abbey Edinburgh, 26 November 1792; and RH2/4/66, f. 182, Private from Adam Gordon to Henry Dundas [?], Abbey Edinburgh, 1 December 1792.

³⁴ *Ibid.*, ff. 235-36, George Auldjo, Provost of Aberdeen to Lord Adam Gordon, Aberdeen, 5 December 1792; and *ibid.*, ff. 317-318, George Auldjo to Lord Advocate, 12 December 1792.

³⁵ *The Times*, 28 Nov. 1792; and Lord Cockburn, *An Examination of the Trials for Sedition which have hitherto occurred in Scotland* (2 vols. Edinburgh, 1888; New York, 1970), ii, 95-6.

³⁶ *Edinburgh Evening Courant*, 19 Nov. 1792.

³⁷ Logue, *Popular Disturbances*, p. 149. Logue cited: NAS, RH2/4/67, ff. 436-38, Alexander Todd to Evan Nepean, Public Office Hatton Garden, 20 December 1792.

although he himself believed that ‘in a little time the Spirits of men will be calmed, and all ground of apprehension at an end in this part of the Kingdom’.³⁸

Whereas the unrest in Perth was long lasting and sporadic, rioting in Dundee was short-lived, but more intense. The disturbances began on 16 November, and concerned the planting of a Tree of Liberty. Once the rioting had got under way, however, the focus of the crowds was soon re-directed to more local issues, such as the price of coal and the detainment of a shipload of meal in the harbour, and the rioting reached its peak when a group of people who had assembled in the harbour ‘insisted that the shipmasters should sell them [coal] at a certain price’. When this was refused the crowd proceeded to break open the hatches and seize a quantity of coal, which was subsequently ‘carried to the High street, and there made a bonfire of’.³⁹ Unrest continued in Dundee for another week, but on 24 November the lord provost, Alexander Riddoch, could report that: ‘Ever since Tuesday we have been tolerably quiet. The great Body of the People are ashamed of what has happened and I find no spirit for Mob or Riot among them a few blackguards excepted’.⁴⁰

The Dundee riots of November 1792 can be seen to epitomise the very nature of political disturbances in Scotland in the 1790s. The immediate occasion for the outbreak of unrest was the desire to celebrate the victories of the French Revolutionary Army by planting Trees of Liberty, and to an extent, this remained the driving factor in the disturbances.⁴¹ Once people had become involved in the activities of the crowd, however, their attention seemed to refocus on other, more local concerns, and it is this tendency to concentrate on local issues that was typical of many riots in Scotland in the 1790s. Although most disturbances were inspired by the news of events in France, or were initiated over issues connected with political reform at home, the crowds tended to retain a local focus in their activities, and seemed reluctant to get involved in political issues of a national concern. In this, the situation in Scotland mirrored that of Britain as a whole. While attempts were made

³⁸ NAS, RH2/4/67, ff. 500-3, David Smyth to Henry Dundas, Edinburgh, 29 December 1792.

³⁹ *The Times*, 21, 30 Nov. 1792; and Logue, *Popular Disturbances*, pp. 149-51.

⁴⁰ NAS, RH2/4/207, ff. 393-94. See also: *Caledonian Mercury*, 1 Dec. 1792, ‘To the Printer’, by James Stewart, Dundee, Nov. 29. 1792.

⁴¹ Kenneth Logue has argued that: ‘it was the Tree of Liberty which kept the popular activity going, it being planted and replanted on three separate occasions’; the Corn Law remained of ‘secondary’ importance. Logue, *Popular Disturbances*, p. 152.

by reformers and radicals all across Britain to create a 'national challenge' to the political establishment, there was little sign of this spilling over into a coordinated attempt to challenge the authorities through popular direct action. Riots therefore remained 'diverse and localised reactions to specific grievances and events'.⁴² Moreover, in term of popular unrest, 1792 was to remain a unique year, at least as far as Scotland was concerned. Although rioting over political issues would occur later in the decade, these disturbances would rarely be as widespread and extensive as the rioting of that year.⁴³ In the summer of 1792, however, no one could know that this would be the case, and it was reflected in the way reformers and radicals in Scotland responded to the situation that had arisen.

II

The Friends of the People, and the Edinburgh Conventions of 1792-93

For the those Scots who had been campaigning for political reform for some time, or who held radical political opinions, this sudden upsurge of popular support for their cause created a problem. Insistent on pursuing a legal campaign for reform, they now had to distance themselves from the unlawful behaviour of the rioting crowds,⁴⁴ which the authorities were increasingly trying to blame on them.⁴⁵

A possible answer had, however, been provided by a group of reformist Whigs in England, who had formed the *Association of the Friends of the People* in April 1792 in response to outbreaks of rioting in London, Sheffield, and Manchester, and the Scottish reformers decided to follow suit. The intention behind the new organisation was to provide the discontented with an elite leadership, and thereby to channel their interest in reform into a more constitutional direction. In the months

⁴² Malcolm J Thomis, and Peter Holt, *Threats of Revolution in Britain 1789-1848* (London, 1977), p. 27.

⁴³ Kenneth Logue has argued that in the case of Scotland, 'disturbances which were overtly political ... were largely limited to the year 1792 and were dominated by one event, the King's Birthday Riot of June 1792 in Edinburgh'. Logue, *Popular Disturbances*, p. 133.

⁴⁴ Brims, Ph.D., p. 277.

⁴⁵ The general perception among the governing elite at the time was that ordinary people of little or no education were unable to organise, or even instigate, such sustained outbreaks of rioting as had occurred in Scotland since the spring of 1792. If the lower orders rose in revolt, it could only mean that disgruntled and mischievous members of the upper or middling orders had been going about sowing discontent, and for this, these 'enemies of the government' and not the ordinary man and woman were to blame. See: Logue, *Popular Disturbances*, pp. 140-41.

following the inauguration of the Scottish society at Fortune's Tavern in Edinburgh on 26 July 1792, the organisation spread rapidly across Scotland, and by the end of September, the Scottish Friends of the People was beginning to resemble a national organisation.⁴⁶ At a meeting held in Edinburgh later in the autumn, it was resolved to call a general convention of all the societies in Scotland, due to meet in early December, and 'the first General Convention of the Delegates from the Societies of the Friends of the People throughout Scotland', as it came to be known, subsequently met in Edinburgh on 11 December 1792.⁴⁷

From the very beginning of proceedings it was evident that the growing suspicion of the authorities, and the emerging opposition from loyalist associations, weighed heavily upon the delegates. The purpose of calling a nation-wide assembly had been to coordinate the efforts of the Scottish societies in petitioning for parliamentary reform, but, in the words of John Brims, the petitioning of Parliament 'now took second place to the loyalist reaction and how to respond to it'.⁴⁸ Although the convention did proceed to draw up a series of resolutions on parliamentary reform, the delegates seemed almost as anxious to proclaim their loyalty to King and Constitution, as they were to forward the case for political reform.⁴⁹ The most controversial event that took place at the convention was the insistence of the Glasgow advocate Thomas Muir on reading an address to the delegates from the radical 'Society of United Irishmen'. Muir himself belonged to that section of the radical movement which believed that petitioning, in itself – although a very laudable means of promoting reform – was insufficient and that it had to be 'backed by a

⁴⁶ Brims, Ph.D., pp. 163, 173, 176-81, 267. From the very beginning the government succeeded in infiltrating the Scottish Friends of the People by building up a network of spies. They would be members of the association, or just attend its meetings, and report back to the central Scottish government officials such as Robert Dundas and Thomas Elder. The two most famous spies were Robert Watt, and 'J. B.' – a highly professional infiltrator whose identity has never been established. Both operated in Edinburgh where the most important meetings took place.

⁴⁷ John Brims, 'From Reformers to "Jacobins": The Scottish Association of the Friends of the People', in *Conflict and Stability in Scottish Society 1700-1850: Proceedings of the Scottish Historical Studies Seminar, University of Strathclyde 1988-89*, ed., T. M. Devine (Edinburgh, 1990), p. 41, and Brims, Ph.D., pp. 288-89, 291, 294-95.

⁴⁸ Brims, 'Reformers to "Jacobins"', p. 41.

⁴⁹ At one point it was decided that the delegates should 'go in small parties' and sign a resolution issued by the loyalist Goldsmiths' Hall Association, and it was also resolved that the minutes of the convention should be published in the press so that no one could accuse the Friends of the People of clandestine activities, and their constitutional approach to reform would be clear for all to see.

national convention and, implicitly, by the threat of revolution' to be effective.⁵⁰ The appeal from the United Irishmen was, however, rejected on the grounds that it bordered on being treasonable.⁵¹ Despite the increasing pressure from the government on the one hand, and Muir's attempt to move the delegates in a more radical direction on the other, the convention persevered with its programme of advocating political reform by petitioning parliament, and when the convention was adjourned on 13 December, due to reassemble in April, it was mainly done so that the delegates could go home to their localities and 'circulate petitions to be signed in favour of a bill to be advanced in parliament'.⁵²

The second convention met as scheduled on 20 April 1793, and, despite the secession of the moderate Foxite members earlier in the year and the subsequent 'radicalisation' of the movement, the delegates stuck with the moderate strategy of petitioning Parliament for reform as it had been set out at the first convention.⁵³ More radical measures – such as the Glasgow delegate John Sinclair's attempt to have a Declaration of Rights issued by the convention – were opposed and defeated by the moderate majority. The delegates did express their opposition to the war against France – a potentially dangerous move which rendered them liable to the accusation of being unpatriotic – but, overall, the second convention retained the moderate outlook of the first assembly.⁵⁴ Before it was dissolved on 3 May it had been decided

⁵⁰ John D. Brims, 'The Scottish "Jacobins", Scottish Nationalism and the British Union' [hereafter: 'Scottish Nationalism'], in *Scotland and England 1286 – 1815*, ed., Roger A. Mason (Edinburgh, 1987), pp. 250-51; and Nancy Curtin, *The United Irishmen: Popular Politics in Ulster and Dublin 1791-1798* (Oxford, 1994), p. 21. The address from the United Irishmen can be found in: *Parliamentary History*, 34 (London, 1819), cc. 615-18, 'Address from the Society of United Irishmen in Dublin, to the Delegates for promoting a Reform in Scotland. November 23d, 1792'.

⁵¹ Meikle, *Scotland*, pp. 107-9; and Brims, 'Reformers to "Jacobins"', p. 42. The Goldsmiths' Hall resolution was ostensibly intended to throw discredit on the Friends of the People, and the committee in charge of the resolution subsequently ordered all names belonging to delegates at the convention to be deleted.

⁵² See: Gordon Pentland, 'Radical Ideologies' [forthcoming].

⁵³ Meikle, *Scotland*, p. 125. Frustrated over their failure to convince the association that the best course of action would be to refrain from holding another convention in the prevailing political climate, when the government was likely to see this as a provocation, the Foxites took the consequence of their stance and withdrew from further agitation in early April. See: Brims, Ph.D., pp. 389, 392; Brims, 'Reformers to "Jacobins"', p. 44; and E. W. McFarland, *Ireland and Scotland in the Age of Revolution: Planting the Green Bough* (Edinburgh, 1994), pp. 97-8. The loss of the Foxite membership undoubtedly deprived the movement of some of its greatest talent; and one consequence was that at the second convention 'the calibre of the delegates was far below that of the previous one'. Christina Bewley, *Muir of Huntershill* (Oxford, 1981), p. 61.

⁵⁴ Brims, Ph.D., p. 406; and Brims, 'Reformers to "Jacobins"', p. 44.

to hold another convention in October,⁵⁵ and, in the meantime, the societies were encouraged to ‘persevere in the cause of Parliamentary reform until such time as they should obtain the end for which they had associated’.⁵⁶

Only three days after the assembly was dissolved, the petitions from both the Scottish and the English societies of Friends of the People were presented to Parliament, together with Charles Grey’s motion for the appointment of a committee of enquiry into the state of parliamentary representation. This was the major political move the association had been working towards since it was constituted one year previously and, at least as far as the Scottish societies were concerned, it was the end result of their insistence on adhering to the constitutional road towards reform. The intention had been to produce such a barrage of petitions that the House of Commons would find it difficult to ignore them, but, in this, both the Scottish and the English societies failed spectacularly. Only Edinburgh and Glasgow produced petitions of a noticeable size, and in all there were merely 21 petitions sent from Scotland – hardly an indication of a nation-wide demand for reform north of the border. The English societies did even worse, producing a pitiful 14 petitions for the whole of England.⁵⁷ If Parliament was ever likely to have been overwhelmed by the strategy of producing a flood of petitions in favour of reform, this small trickle would not impress MPs and, when the House divided on Grey’s motion, his bill was resoundingly defeated by 282 votes to 41.⁵⁸ Political radicalism now no longer seemed to pose a credible challenge to the existing regime, and the defeat of the reform motion in Parliament did not spark any popular reaction in Scotland either.⁵⁹ No rioting of the kind which had erupted in Edinburgh on the King’s birthday in 1792 occurred, and the *Caledonian Mercury* could report that ‘the *mobility* of Edinburgh’ had now returned to celebrating the day in ‘their ancient mode of displaying their joy, by heartily

⁵⁵ Brims, ‘Scottish Nationalism’, p. 257.

⁵⁶ *Edinburgh Gazetteer*, 7 May 1793, cited in: Brims, ‘Reformers to “Jacobins”’, p. 44, and Meikle, *Scotland*, p. 126.

⁵⁷ Brims, ‘Scottish Nationalism’, p. 256.

⁵⁸ Mathieson, *Awakening of Scotland*, p. 180.

⁵⁹ Thomas Elder wrote to Robert Dundas in March 1793 that: ‘The Friends of the People are very much humbled and at present are very quiet, their meetings are few & secret, and their friends exhausted’. NAS, RH2/4/70, f. 99, Tho. Elder, Lord Provost to the Lord Advocate, Edinburgh, 21 March 1793.

pelting each other with dead cats, fish guts, &c'.⁶⁰ The rest of the country also remained relatively quiet, and, so far, the authorities both in Scotland and in England seemed to have successfully fended off the challenge to the political establishment.

For the Friends of the People the immediate prospects seemed bleak, but those who had not already given up the cause of political reform, began to look for possibilities to revive the movement. An opportunity arose on 17 May when Maurice Margarot and Thomas Hardy, the chairman and secretary of the radical London Corresponding Society (LCS), contacted William Skirving of the Edinburgh Friends of the People and requested a closer co-operation between the two societies. In a situation where the strategy of petitioning Parliament appeared to have failed, Margarot and Hardy looked towards the summoning of a national convention as the only viable alternative.⁶¹ It was therefore natural to contact the leading radicals in Scotland and, since Skirving – in the capacity of president of the Edinburgh society – already had experience in organising such assemblies, they looked to him for advice.⁶² For the Scottish Friends of the People, however, this was not an obvious choice. Up till this point the Scottish society had only maintained a connection with its parent association in London, and not with the more radical English societies such as the LCS. But now, when they were 'unrestrained' by the moderate Foxites who had withdrawn from the society before the April convention, and few other viable options seemed to present themselves, the Scottish Friends were prepared to embark on the more dangerous course of holding a national convention.⁶³ Margarot and Hardy's request was therefore met with an enthusiastic reply from Skirving and, over the summer, plans for a national convention were beginning to take shape.⁶⁴

⁶⁰ *Caledonian Mercury*, 6 June 1793 [original italics].

⁶¹ A national convention, it was envisaged by radical thinkers, would have three basic purposes. It would command or overawe the legislature, demand rather than petition for measures of parliamentary reform, and resist a government that refused to accept the convention's demands. It was central to the legitimacy of the convention that it was truly representative of the sovereign people, because, in the words of John Barrell: 'Parliament, they believed, had no right to reject a petition which spoke the wishes of a majority of the people'. John Barrell, *Imagining the King's Death: Figurative Treason, Fantasies of Regicide 1793 - 1796*, (Oxford, 2000), p. 142. See also: H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, 1979), pp. 262-63.

⁶² Barrell, *Imagining*, p. 147; and Brims, 'Scottish Nationalism', pp. 256-57.

⁶³ Meikle, *Scotland*, p. 138.

⁶⁴ Brims, 'Scottish Nationalism', pp. 256-57; and Barrell, *Imagining*, pp. 147-48.

Meanwhile, some of the central government figures in Scotland were surprised at the radical societies' persistence and longevity. Robert Dundas, for example, wrote to undersecretary Evan Nepean at the War Office about the activities of the Friends of the People, stating that: 'I had no idea they would have stuck so long & so well together'.⁶⁵ The Scottish authorities had, however, no intentions of alleviating the pressure on the political opposition and, in August and September, they proceeded to prosecute the two leading political radicals – Thomas Muir and Thomas Fyshe Palmer – before the Scottish law courts for the crime of sedition. Muir was seen as having a key organisational role in the Scottish radical movement, and Palmer was held to have been responsible for instigating the rioting in Dundee the previous November.⁶⁶ In two highly publicised trials, they were both found guilty and sentenced to the unprecedentedly harsh punishment of transportation to Australia – Muir for fourteen years and Palmer for seven. If these two trials had been initiated by the government as a means of countering the domestic political challenge, the harsh penalties inflicted on the two convicted radicals ensured that – seen from a propaganda point of view – they backfired badly on the authorities. Muir and Palmer were admittedly to be removed from Scotland to a place where they could do no further harm, but public opinion was outraged at the severity of the sentences, and at least in the short term, the political climate became more favourable for the reform movement.⁶⁷

The trials of Muir and Palmer did not have the expected effect of further subduing the Scottish Friends of the People either, and by early September the famous government spy 'J. B.' reported that: 'The Severity of Mr. Muirs Sentence, instead of extinguishing the Spirit of the associations, seem to have given new life & vigour to them'.⁶⁸ Towards the end of the month Robert Dundas had to admit that the

⁶⁵ NAS, RH2/4/71, f. 279, R. Dundas to Nepean, Edinburgh, 21 June 1793.

⁶⁶ McFarland, *Ireland and Scotland*, p. 95.

⁶⁷ *The Times* reported on the trial of Muir, and, in what can reasonably be seen as a balanced and sober summary of the proceedings at the High Court, the newspaper nonetheless found reason to conclude in more emphatic terms. It stated that Muir had been sentenced 'to be transported beyond seas ... for the space of *Fourteen Years!*'. *The Times*, 4 Sept. 1793 [original italics]. For a discussion of the two trials and their implications, see: chapter 3, pp. 87-94.

⁶⁸ NAS, RH2/4/72, f. 52, J. B., Edinburgh, 6 September 1793. His views were confirmed by the lord provost of Edinburgh, who wrote that 'Muirs Sentence has revived the frequency of the meetings of the societies calld friends of the people'. *Ibid.*, f. 43, Tho. Elder to Secretary of State, Edinburgh Council Chambers, 7 September 1793. Thomas Elder and James Stirling appear to have alternated in

situation – as seen from the government’s point of view – looked as bad as it had done a year before.⁶⁹ It is likely that the improved political climate, together with the revival of the reform movement in Scotland, played a role in the eventual decision to summon a national convention, but the decisive factor seems to have been a suspicion that Parliament might soon outlaw the holding of conventions altogether.⁷⁰ In July the Irish Parliament had passed a bill making conventions illegal, and by autumn it seemed increasingly likely that the British Parliament might follow its example. This gave the issue of holding a convention a new degree of urgency and, in the view of John Barrell, ‘the fear of an imminent convention bill was probably responsible for the fact that the convention was summoned at all’.⁷¹

III *The British Convention*

When the assembly first met in Edinburgh on 29 October 1793, it was poorly attended if it was meant to be a national convention. This was partly because it had been announced at a very short notice – probably to keep it secret from government spies for as long as possible – which made it difficult for the English societies to respond quickly enough, and none of the English delegates could in fact make it up to Scotland in time for the opening.⁷² In the absence of the English delegates the ‘General Convention of the Friends of the People’,⁷³ as it was named, was therefore ‘an exclusively Scottish affair’.⁷⁴ Although the assembly could hardly be said to constitute a national British convention, this did not discourage those who were present from pressing ahead with their programme. Business was conducted over four days of hectic activity, which even rendered the government spy exhausted by

holding the office of lord provost. Elder was provost: 1788-90, 1792-94 and 1798-1800, whereas Stirling held the position: 1790-92, and 1794-98. See: *DNB*.

⁶⁹ NAS, RH2/4/72, ff. 86-88, R. Dundas to Henry Dundas [‘My Dear Sir’], Edinburgh, 28 October 1793. See also: Brims, Ph.D., p. 467.

⁷⁰ Brims, ‘Reformers to “Jacobins”’, p. 45; and Pentland, ‘Radical Ideologies’.

⁷¹ Barrell, *Imagining*, p. 148; and McFarland, *Ireland and Scotland*, pp. 98-100.

⁷² Barrell, *Imagining*, p. 148-49.

⁷³ See: William Cobbett [and T. B. Howell]: *A Complete Collection of State Trials and Proceedings for High Treason and other Crimes and Misdemeanours from the Earliest Period [1163] to the Present Time [1820]*, [hereafter: *ST*, followed by volume number] (London, 1809-1826), 23 (1817), c. 391.

⁷⁴ Brims, ‘Scottish Nationalism’, p. 257.

the end,⁷⁵ and which demonstrated that internal frictions and disagreements were still noticeable – the absence of Foxite reformers and the, by now, more coherently radical nature of the assembly notwithstanding.⁷⁶ Two petitions – one to the king for an end to the present war, and another to the House of Commons for the introduction of universal manhood suffrage and annual parliamentary elections – was the main outcome of the convention, together with a decision to ‘cultivate a more close union with England’.⁷⁷ Only shortly after the assembly had been dissolved, the representatives of a few English societies arrived in Edinburgh and, at a meeting held on 6 November, it was decided to call back the members of the late Convention for a new one to be held on the 19th of the same month.⁷⁸

At the reconvened convention, the English delegates quickly moved to the forefront and assumed leading roles in the assembly. Maurice Margarot of the LCS presented one of the first motions of the convention, when he moved, ‘that a committee be forthwith appointed to consider the means, and draw up the outlines of a plan of general union and corporation between the two nations in their constitutional pursuit of a thorough parliamentary reform’.⁷⁹ This motion, which was seconded by Joseph Gerrald, was immediately passed by a unanimous vote, but the setting up of a ‘Committee of Union’ and a more thorough debate over the ramifications of this union of English and Scottish radicals was postponed for a few days to allow organisational matters to be handled.⁸⁰ In terms of setting the agenda of the convention, the lead thus taken by Margarot and Gerrald at the very opening of the proceedings was to be symptomatic of the subsequent debates on this and other issues. The English delegates – together with William Skirving – led the way with radical proposals, and the majority of delegates followed on behind, most of the time enthusiastically, but on occasion also more hesitantly. Probably because of this new and radical lead provided by the English delegates, the fourth convention came to

⁷⁵ J. B. wrote lengthy reports on the proceedings at the convention, and complained about the long-lasting debates. NAS, RH2/4/72, f 169, J. B., 29 October 1792; and RH2/4/73, f. 184, J. B., Edinburgh, 1 November 1793.

⁷⁶ Brims, Ph.D., pp. 479-80.

⁷⁷ *ST*, 23, c. 413. The whole minutes are covered over cc. 391-415. See also: Brims, Ph.D., pp. 483, 490-91.

⁷⁸ Brims, Ph.D., p. 495.

⁷⁹ *ST*, 23, c. 417.

⁸⁰ Brims, Ph.D., p. 498; and Brims, ‘Scottish Nationalism’, 258.

differ markedly from the previous three assemblies, and the most striking and important difference was the adoption of so-called 'French forms'.⁸¹ It began with the delegates addressing each other as 'citizens', a term used by the French Revolutionaries, and widely recognised as carrying revolutionary connotations. Then on 23 November, when the debate on Margarot's motion on unity was brought to a conclusion, the delegates agreed unanimously to the 'Union of the People of the two nations',⁸² and upon this decision, Alexander Scott – the editor of the radical newspaper the *Edinburgh Gazetteer* – 'proposed that all the members should rise up and join hands, as a proof of the union betwixt England and Scotland, which are now joined as Britain'. This was subsequently done, and, while showing clear signs of being carried away by enthusiasm over this gesture, the delegates proceeded to agree to a motion from the English delegate Charles Sinclair, 'that henceforth the convention should be styled the British Convention of the Delegates of the People, Associated to obtain Universal Suffrage and Annual Parliaments'.⁸³ The joining of hands in a gesture of unity in this manner bore a striking resemblance to events that had taken place in France in the summer 1789. It could be likened to the Tennis Court Oath in Paris on 20 June when – seized by enthusiasm – the Third Estate had risen and declared that they would not disband until they had drafted a constitution for France. Moreover, by re-naming themselves 'the British Convention', the delegates in Edinburgh also seemed to be assuming a role equivalent of that held by the National Convention in France. Precisely why Sinclair decided to present this motion, and how far the delegates had comprehended the implications of giving the assembly such a name, is uncertain. In John Brims' view it was first and foremost a matter of an 'unfortunate' choice of word, but the immediately following events indicated that the delegates had, at least, developed a certain taste for the kind of procedures used in the French National Convention.⁸⁴ They began dating the

⁸¹ 'French forms' was term of abuse adopted by the authorities, and later used in the sedition trials against the leading delegates at the convention. See: chapter 3, pp. 128-29.

⁸² Brims, Ph.D., p. 500.

⁸³ *ST*, 23, cc. 426-27.

⁸⁴ According to John Brims: 'It implied that the delegates considered themselves to be the representatives of the nation, and therefore suggested that the convention meant to challenge the sovereignty of parliament, whereas all that was intended was an affirmation of Anglo-Scottish radical solidarity in the struggle for democratic reform'. Brims, Ph.D., p. 500.

proceedings of the assembly from ‘the first year of the British Convention’, described their meetings as ‘sittings’ and adopted a committee structure which was arguably based on that of the French Convention.⁸⁵ For some Scottish delegates this was becoming disturbingly radical and, on 25 November, citizens Alexander Mackenzie and Walter Hart moved ‘that it be recommended to the different societies throughout the country, to copy the bill of rights into their minutes books, as a basis for their proceedings’.⁸⁶ None the less, Margarot and the English delegates continued to press ahead with their radical program, and it was particularly the threat of a convention bill that preoccupied them. Possibly spurred on by the ease with which he had got his first motion accepted, Sinclair urged the delegates to show solidarity with their radical brethren among the United Irishmen, who were now in an ‘oppressed state’ due to the Convention Act passed by the Irish Parliament. This was agreed to, but a motion presented by Alexander Callander, calling for the convention to ‘assert its right’ in case a similar bill was introduced in Britain, was not immediately adopted.⁸⁷ The proposal was met with some resistance and debated for several days before a refined version drafted by Sinclair was eventually passed by a unanimous vote. Sinclair’s final proposal provided a careful outline of how the convention should conduct its business in the eventuality of parliament passing a convention bill. Since such an Act was held to be ‘totally inconsistent with the first principles and safety of society, and also subversive of our known and acknowledged constitutional liberties’, the convention should pay no heed to it, nor accept it as legitimate, and should therefore ‘continue to assemble and consider of the best means by which we can accomplish a real representation of the people and annual election, until compelled to resist by superior force’. In the event of a forced dispersal of the convention, a secret committee chosen by the assembly should immediately take over the control of affairs, and appoint a place at which the delegates were to reconvene. Similar action was also to be taken if Parliament passed a bill suspending *Habeas Corpus* – or its Scottish equivalent the ‘Act for preventing Wrongous Imprisonment’ – if there was an invasion, or an ‘admission of foreign troops

⁸⁵ Barrell, *Imagining*, p. 151.

⁸⁶ *ST*, 23, c. 430.

⁸⁷ NAS, RH2/4/72, ff. 110-12, J. B. to William Scott, 26 November 1793, cited in: Brims, Ph.D., pp. 500-1.

whatsoever into Great Britain'.⁸⁸ For the time being, however, Sinclair's resolution was not included in the minutes, nor did the *Edinburgh Gazetteer* mention it in its reports on the proceedings of the convention. To do so was viewed as too dangerous, and a blank space was consequently left in the minutes due to be filled at the close of the convention.⁸⁹

The authorities – well informed by the ever-reliable J. B. – were following the unfolding of events at the convention with growing anxiety. When the official minutes of the convention from 25 November to 2 December appeared in the *Edinburgh Gazetteer* on 3 December, they confirmed the reports of the spy, and appeared 'so strong' to Robert Dundas and the Solicitor-General, Robert Blair, that they 'agreed to take notice of them'.⁹⁰ The necessary warrants were obtained, and early on 5 December the Lord Provost of Edinburgh moved in to arrest Margarot, Gerrald, Skirving, Scott and Callender, together with two of Scott's employees at the *Edinburgh Gazetteer*. Later the same day, Thomas Elder appeared at the head of thirty constables at Blackfriar's Wynd, and dispersed a meeting of about 100 members of the convention who had assembled there. One further arrest was made when the Sheffield delegate Browne created a small scene by seizing the president's chair, and refused to vacate it, but otherwise the break-up of the meeting went quietly. The delegates now demonstrated that they were prepared to adhere to those resolutions they had just recently given their support for, and the same evening they reassembled at Canongate Lodge, where – on the morning of 6 December – they were accompanied by those who had been arrested (and now released on bail). This 'Convention of Emergency', however, was soon interrupted by the Sheriff-Substitute of Edinburgh, who held orders to disperse it by force. Margarot and the others who had been released on bail were arrested again, but the majority of delegates were once more allowed to walk away. No further attempts to reconvene the convention

⁸⁸ *ST*, 23, c. 611. 'Invasion' presumably meant a French invasion, and 'admission of foreign troops' that the British government would allow mercenary forces to land on British soil, but neither of these two points was clarified at the convention.

⁸⁹ Barrell, *Imagining*, p. 154.

⁹⁰ NAS, RH2/4/73, ff. 250-53, R. Dundas to Henry Dundas ['My Dear Sir'], Edinburgh, 6 December 1793. John Brims has argued that 'the authorities were ... not prepared to move against the convention solely on the strength of J. B.'s intelligence reports', but only when their accuracy was confirmed in the *Edinburgh Gazetteer*. Brims, Ph.D., p. 507.

appear to have taken place, and the British Convention of the Delegates of the People came to an end.⁹¹

IV

The response from the Edinburgh authorities, and the 'Pike Plot'

After the dispersal of the convention, the authorities lost little time in bringing before the Scottish law courts those they perceived to be the main culprits. Of the approximately 169 delegates at the British Convention, less than ten had been arrested by Thomas Elder on 5 and 6 December, and only seven were charged with sedition.⁹² Not all of them did in the end stand trial, but the central figures – Skirving, Margarot, Sinclair and Gerrald – were all prosecuted before the High Court in Edinburgh.⁹³ The trial against Skirving, which must have been prepared very quickly, took place as early as 6 and 7 January, and the next trials followed in rapid succession, although the last case, that against Gerrald, dragged on until 14 March. Only Sinclair escaped conviction, when the case against him was abandoned, and the other three were all found guilty and sentenced to the same fourteen years transportation as Muir had been awarded half a year earlier.⁹⁴

Unlike the fierce reaction which had followed the trials of Muir and Palmer, the sentencing of Skirving, Margarot and Gerrald seems to have excited little public indignation – at least from the middle and upper classes. This may partly have been because the sentence of transportation did not cause the surprise it had done at Muir's trial, but it also seems clear that – this time – public opinion was on the side of the government. The general reaction to the proceedings of the British Convention was one of outrage, and even the moderate reformers and Foxites agreed that this had little to do with constitutional reform, and looked far more like attempting to foment revolution on the French model.⁹⁵ Yet, although there was no outburst of rioting on the scale and intensity seen in the spring and autumn of 1792, indications can still be

⁹¹ NAS, RH2/4/73, ff. 250-53; and Barrell, *Imagining*, pp. 156-7.

⁹² John Brims estimated the number of delegates to have been 169. Brims, Ph.D., p. 497.

⁹³ The three who did not stand trial were Callander and Scott – both of whom absconded – and Browne, who was not brought before the Court, see: Barrell, *Imagining*, p. 157.

⁹⁴ For further detail on the trials, see: chapter 3, pp. 95-106.

⁹⁵ It was held as an aggravating factor that the Convention had been copying the forms of the French Revolutionaries, now that Britain was at war with France. See: Devine, *Scottish Nation*, pp. 208-9.

found of a continuing reservoir of popular discontent, sufficient to fuel a significant popular reaction and opposition to the trials. There was certainly popular support for Margarot, who, on his way to and from the courtroom and the Inn where he was staying, was escorted not only by his friends, but also by a sizeable and noisy crowd of people carrying a Tree of Liberty 'in the shape of the letter M'.⁹⁶ This had first occurred when Margarot went to the Court of Justiciary a few days before his trial was due to commence, and was repeated on the day the trial began. Thomas Elder, the lord provost of Edinburgh, had responded quickly to the first incident by issuing a proclamation warning the public against any further disturbances,⁹⁷ and on the day the trial was due to start, the *Edinburgh Evening Courant* reported that 'in consequence of the riotous proceedings on Thursday last ... every precaution was taken this day by the Lord Provost, Magistrates, and the Sheriff, to prevent a similar breach of good order and police'. Constables were ordered out, and the crowd which accompanied Margarot was 'immediately dispersed, the arch demolished, and its supporters taken into custody'.⁹⁸

Signs of mounting tension were surfacing in other parts of the country as well. On the same day as Margarot was first followed by a crowd on his way to the courthouse, a handbill encouraging people to take up arms against the government was discovered in Perth.⁹⁹ About ten days later, a handbill with a similar message was found posted up on a window shutter in Glasgow,¹⁰⁰ and just over a week after that, another handbill, this time urging people to 'remember the trusty friends in

⁹⁶ Cockburn, *Examination*, ii, 23-5; and Meikle, *Scotland*, p. 145.

⁹⁷ *Caledonian Mercury*, 11 Jan. 1794. Elder's proclamation was dated 10 January – the day after Margarot first appeared at the Court of Justiciary – and stated that: 'all such as may be found contravening this Proclamation ... will be taken into custody, and proceeded against in terms of law, as riotous and disorderly persons, disturbing the public peace'.

⁹⁸ *Edinburgh Evening Courant*, 13 Jan. 1794 [13 January was a Monday]. The editor of the newspaper clearly disapproved of the incident, as he concluded the report with the words: 'A trial by jury is one of the most inestimable blessings of our excellent constitution, and any insult or slight thrown upon it but ill accords with the character of Britons'. See also: *Caledonian Mercury*, 13 Jan. 1794; and *The Times*, 19 Feb. 1794. According to Elder's proclamation, similar disturbances had also taken place at Skirving's trial a few days earlier.

⁹⁹ NAS, RH2/4/74, ff. 62-3, James Paton, Sheriff Clerk of Perthshire to Lord Methvin, Perth, 9 January 1794. Robert Dundas would later write that Perth had been 'a Nest of Sedition & Jacobinism' in 1794. NAS, RH2/4/83, ff. 1-3, Robert Dundas to the Duke of Portland, Arniston, 6 January 1798.

¹⁰⁰ RH2/4/74, ff. 107-8, Robert Grome to William Honyman, Glasgow, 19 January 1794, the handbill read: 'To the Public – Countrymen – Countrymen, to Arms – to Arms, or your Liberty is for ever lost'.

Edinburgh', appeared in Hamilton.¹⁰¹ The latter two were both towns in the west, and the impression that something was fomenting in western Scotland was picked up by Robert Dundas, who – in a letter to his uncle written on the day before Margarot's trial was due to begin – stated that 'Paisley & its neighbourhood are in a very unpleasant situation'.¹⁰² His view was reinforced a week later by Gilbert Hamilton, the lord provost of Glasgow, who reported that in his city, radicalism 'seems now to be reviving'.¹⁰³ Nevertheless, none of these incidents appears to have been followed by any major disturbances.¹⁰⁴ The eastern regions of the country also seemed calm, but below the peaceful surface, discontent was simmering and came to the surface at the Edinburgh theatre in the middle of April.

The theatre was staging a political play entitled *The Royal Martyr*, which appears to have been seen as provocative by many radicals.¹⁰⁵ During one performance a scuffle ensued when 'on calling for the tune of "God Save the King" ... some persons refused to pull off their hats'. This argument within the walls of the theatre was then brought outside, and appears to have escalated into riot which lasted for several days.¹⁰⁶ The authorities took the incident very seriously and, on 14 April, Thomas Elder issued a proclamation with stark warnings against any future repetitions of the 'VIOLENT and RIOTOUS PROCEEDINGS [which] took place in the Theatre Royal of this City'. A reward of fifty guineas was even offered for any information leading to the apprehension of those 'DISAFFECTED EVIL DISPOSED PERSONS' who had stirred up the dispute.¹⁰⁷ No further incident similar to the theatre riot occurred, but one month later it was reported that 'some young fellows'

¹⁰¹ *Ibid.*, ff. 116-17, R. Dundas to H. Dundas, Edinburgh, 27 January 1794.

¹⁰² *Ibid.*, ff. 76-8, R. Dundas to H. Dundas, Edinburgh, Sunday [The content and references of the letter confirms that this must have been the Sunday before Margarot's trial began – hence 12 January.]

¹⁰³ *Ibid.*, f. 99, Gilbert Hamilton to H. Dundas, 19 January 1794. See also: *Ibid.*, f. 101, Copy – Letter from 'a Loyal Subject' to the Commander in Chief of the Fencibles, Glasgow, Glasgow, 15 January 1794

¹⁰⁴ One month later a group of people broke into a church in Glasgow, from where they gained access to the session house, and well inside that house, had proceeded to 'inscribe on its walls, in capital letters, the words *Liberty and Property*', but no further political disturbances occurred in Glasgow in 1794. *Caledonian Mercury*, 22 Feb. 1794.

¹⁰⁵ Meikle, *Scotland*, p. 147.

¹⁰⁶ *The Times*, 19 April 1794. The article was entitled: 'RIOT at the EDINBURGH THEATRE'.

¹⁰⁷ NAS, Rattray of Craighall Muniments, GD385/23 [original capitals]. Robert Dundas held the director of the Theatre responsible for staging a play, which he 'could not but foresee would have a tendency to excite popular discussions'. *Ibid.*, R. Dundas to James Clerk Esq. Edinburgh, London 19 April 1794. The proclamation was also published in the press, see: *Caledonian Mercury*, 14 April 1794.

had ‘perambulated the streets’ of Edinburgh carrying with them a ‘*Tree of Liberty*’. They had been hostile and violent to passers by who refused to ‘pay obedience’ to the tree, and on one occasion ‘a recruit was severely wounded by them’. The ‘fellows’ in question were apprehended and sentenced by the magistrates to pay a fine, and this appears to have been the end of the matter.¹⁰⁸ The real litmus test for determining the degree and strength of discontent in Edinburgh, however, was as always the King’s birthday, and, by and large, the day was reported to have passed without any serious incidents occurring. The editorial of the *Caledonian Mercury*, for example, stated that ‘upon no occasion has his Majesty’s birthday been celebrated in this city with more fervent loyalty than yesterday’ and ‘we are happy to say that no disturbance happened’.¹⁰⁹ The absence of disturbances was bought at a price however. No fewer than 400 ‘gentlemen’ of the city had voluntarily enrolled themselves as constables with the task of preventing any ‘riot or disorder’, and had patrolled the streets during the day.¹¹⁰ Yet, these newspaper reports did not tell the whole truth. One smaller disturbance *had* taken place, as Thomas Elder reported to Henry Dundas:

I have much satisfaction in telling you that notwithstanding the threatenings and many alarming informations of the intentions of the Friends of the People on the Kings Birthday, it passed over without disturbance and the only unpleasing circumstance is that a few boys broke 9 panes of glass in The L.[ord] Justice Clerks house.¹¹¹

The Lord Justice Clerk was Lord Braxfield, the presiding judge on the bench in the High Court in Edinburgh, and the man who had conducted the trials against Muir, Skirving, Margarot, Sinclair and Gerrald.

Edinburgh was not the only place in the east of Scotland where there were signs of popular discontent following the trials of early 1794. One anonymous observer in East Lothian wrote a long letter on 28 May, pointing out how: ‘There now exists, in some Districts of this County ... a desperate, sullen, and factious Spirit of impatience and of discontent, in the minds of a number not altogether

¹⁰⁸ *The Times*, 16, 21 May 1794 [original italics].

¹⁰⁹ *Caledonian Mercury*, 5 June 1794.

¹¹⁰ *Edinburgh Evening Courant*, 5 June 1794.

¹¹¹ NAS, RH2/4/76, f. 81, Tho. Elder to Henry Dundas, Edinburgh, 5 June 1794.

contemptible, of the lowest Class of People'.¹¹² The author of the letter believed the cause of this factious spirit to be that 'artfull, wicked and designing Men from Edinburgh and latterly also from England' had been going about in the county and had 'poisoned' the minds of the good people. Further on in the letter he clarified who these 'men from Edinburgh' were, by making an explicit reference to Margarot and Gerrald, both of whom were supposed to have 'fraternized' with people in the county during the previous Christmas. The kind of political discontent referred to was not exceptional for East Lothian, but the letter also contained more worrying information. Although the author himself could not confirm their accuracy, he had come across rumours that the desperate and sullen faction in East Lothian was also armed. No weapons had yet been seized since there had not been any investigation or search for arms, but, in Prestonpans, clay moulds for casting bullets had been found, and children had been seen using musket bullets 'as play things'.¹¹³ The indication that someone was in the process of providing arms was given a concrete manifestation with the unveiling of a plan which came to be known as the 'Pike Plot' in May 1794.

The break-up of the British Convention and subsequent trials against its leaders aimed a heavy blow to the radical movement. Many local societies of the Scottish Friends of the People simply closed down as members deserted the movement, and it also rendered them far more cautious than they had ever been before. A number of societies still continued to meet, but, in the words of John Brims, 'they sought safety in secrecy', and 'by early 1794 the reform movement had virtually disappeared underground'.¹¹⁴ No further openly publicised conventions were contemplated for the immediate future, and the British Convention never met again. Nevertheless, this did not necessarily imply a cessation of activities, and many delegates were determined to continue the work they had started. In Edinburgh, it resulted in the forming of a second 'Committee of Union', this time consisting of about one hundred members from the four surviving societies of the Friends of the People in the city.¹¹⁵ The members of the committee continued to meet in secret

¹¹² NAS, RH2/4/208, ff. 759-62, In Lord Tweeddale's of 30 May 1794, Scotland.

¹¹³ *Ibid.*

¹¹⁴ Brims, Ph.D., pp. 517-18.

¹¹⁵ Barrell, *Imagining*, p. 252; and Meikle, *Scotland*, p. 151.

while the trials were being conducted at the High Court, and they may have played a role in fomenting some of the discontent which surfaced in Scotland during that period. Particularly in the case of the handbills which had appeared early in January, the wording of some passages was very conspicuous. The handbill which had been found in Perth, for example, made references to ‘the present measures pursued by the wretched Guelph, and his abandoned and profligate Ministry’, adding that ‘the Aera of an important Revolution is at last come’, and asked the question ‘Shall we be free or shall we be Slaves’? More crucially, it seemed to openly encourage people to take up arms against the government:

They call you Rebellious, and seditious because you will only be taxed by your own Representatives – make good your claims by our courage or seal the loss with all your blood.

There is no more time to deliberate – When the Oppression hand labours incessantly in forging chains for you – Silence would be a crime and inaction a disgrace, the preservation of the rights of Britons is your supreme law – it would be the most abject of Slaves, who in the Danger in which Britain is involved would not do his outmost to preserve it.

– To Arms – To Arms
– Any Arms will do.¹¹⁶

There is no direct or clear evidence linking this (anonymous) handbill to the Scottish Friends of the People or the Committee of Union, but the wording of some passages – such as the reference to ‘the present measures’ of the government, and the part about taxation ‘by our own Representatives’ – is at least very striking. The final encouragement to people to take up arms was also an indication of what was to come.

Although little is known about the activities of the committee in the first two to three months of 1794, it is evident none the less that some of its members were contemplating armed insurrection as the only viable strategy for the future. The most prominent of these members was Robert Watt, the former government spy, who had now converted to the radical cause and joined those he had previously been spying

¹¹⁶ NAS, RH2/4/74, f. 63, [Handbill enclosed with letter from:] James Paton to Lord Methvin, Perth, 9 January 1794.

on.¹¹⁷ Watt had been amongst those who had taken the initiative to form a new committee after the dispersal of the British Convention, and he had quickly risen to become one of the leading figures in that society. In this capacity he suggested the setting up of a secret sub-committee of seven to be delegated all the powers of the mother society, and his dramatic proposal was met with the approval of the other members, who agreed go ahead with this plan. Consequently, on 5 March, the 'Committee of Ways and Means', as it was entitled, was duly elected, with Watt as the chairman.¹¹⁸ Watt appears to have been the only person who sat on both committees, and this – combined with the fact that he was in charge of the sub-committee – enabled him to control not only the policy of the society, but also its funds. At a meeting of the sub-committee in April, it became clear that he was determined to use this powerful position to pursue the case for an armed insurrection.

The meeting had been called for the purpose of electing a delegate to another convention, and two of the members who strongly disapproved of the idea of holding further conventions, had withdrawn from the committee prior to the meeting.¹¹⁹ Possibly because he may now have thought that any potentially wavering members were gone, and those who remained could be relied on, Watt finally presented his scheme for seizing power in Edinburgh. The plan was to have bodies of armed Friends of the People stationed at specific key-points in the city, set fire to the Excise Office, and then wait for the soldiers in the Castle to come out to help extinguish the fire. Once the soldiers had arrived, the armed citizens were to seize them, and then march on the castle. Since the castle was the key to control of the city, its capture would render the Friends of the People masters of Edinburgh, and hopefully serve as

¹¹⁷ According to Watt himself, he had been convinced by the cause of radicalism, but there are also indications that his 'conversion' may have had more to do with a quarrel with his employers over the issue of pay. The government had earlier decided to 'dispense' with his services as a spy, due to his excessive claims of expenses, and it is likely that Watt bore a grudge against the authorities because of this. Fry, *Dundas*, pp. 171-2; Barrell, *Imagining*, p. 257; and Meikle, *Scotland*, p. 152.

¹¹⁸ Of the other members, four were also former delegates to the British Convention; David Downie, a Catholic goldsmith and jeweller, Arthur McEwan a weaver, William Bonthorne or Bonthorne a teacher and Alexander Aitchison who was a medical student. The two members who were not ex-delegates were John Edmonds Stock, an English Unitarian medical student, and William Burke 'of whom little is known'. Barrell, *Imagining*, p. 252.

¹¹⁹ This new convention had been suggested by the secretary of the LCS, who had sent out a circular letter to the Scottish Friends of the People in April, inviting them to take part. Meikle, *Scotland*, p. 151.

an example and an encouragement to radicals in England.¹²⁰ Naturally, for an armed uprising to take place, weapons would have to be procured, and it was through the chance detection of a batch of pike-heads in Watt's house that the conspiracy was eventually unravelled. This occurred as late as 15 and 16 May, and the search of Watt's house – it is important to note – had not been conducted because he was under government suspicion.¹²¹ The disclosure of the 'Pike Plot' had thus little to do with solid investigation on the part of the authorities.

Compared to the situation prior to the forming of the Committee of Union, it seems odd that the authorities should have remained unaware of Watt's plans for so long, not the least because J. B. was still in their employment and spying on the Friends of the People. Yet, at the same time, it is possible that the absence of any action to stop the preparations had more to do with a failure to take the plot seriously, than to any lack of information. The authorities had certainly been given due warning that some sort of conspiracy was in the making, in the form of an anonymous letter written to the Lord Provost of Edinburgh as early as 26 March. In a long and remarkably accurate account, 'A Young Man' described the activities and organisation of the Committee of Union in detail:

The flame of Liberty is now begun again to spread very extensively, as the mad reformers are beginning to execute their plan if possible, however there is perhaps an excuse for it, as the last full moon has had a wonderfull effect upon them ... I am informed, by one who is to be depended on, that there are eighteen Societys in this city and many in Leith, who meet on different days of the week, excepting the Fridays; on which day they have a Convention which is held in a Room, taken for the purpose at Simons square.¹²²

Simons Square was where the Committee of Union met and the author of the letter – who claimed to have attended the meetings of the 'Convention' in question three

¹²⁰ Watt himself believed that once the initiative had been taken in Edinburgh, the radical societies in England would follow suit. McFarland, *Ireland and Scotland*, p. 117. McFarland's source of information was: *The last Speech, Confession, and Dying Declaration of Robert Watt*, p. 14, a text Robert Watt wrote four days before his execution, and in which he explained the plan behind the Pike Plot in detail. The whole declaration can be found in: NAS, RH2/4/77, ff. 239-54.

¹²¹ Instead, it was connected with the bankruptcy of a manufacturer from Musselburgh, and a creditor eager to apprehend goods he believed the manufacturer had hidden away. The creditor was an Edinburgh magistrate, and the information he had come across, was that a trunk originating with the Musselburgh-manufacturer had been carried into Watt's house. Barrell, *Imagining*, pp. 253-55.

¹²² NAS, GD385/22, 'A Young Man' to The Right Honble. The Lord Provost, Princes Street, 26 March 1794.

times – made reference to two individual members of that society. In his view, citizens ‘Stock and Burke are the leading men of this Convention’, and he described them as ‘Students of Medicine, both from England’. Stock and Burke were members of the Committee of Ways and Means, which suggests that the information provided by the letter was largely correct. Whether the authorities believed this account is, however, a different question altogether. No investigation seems to have been instigated on the basis of the report, although the letter contained further alarming information. In connection with Stock and Burke, the writer pointed out that at one meeting, a ‘man rose, and declared that a Reform would never be granted unless by taking up arms and demanding it, and ever seemed to wish the people to do so’.¹²³ With the authorities not seeming to take this case seriously it was left until the accidental discovery of the pike-heads before the plot was revealed.¹²⁴

Once the full extent of the conspiracy had been exposed, the task of choosing a response to the plot stood before the government. It was decided that this planned insurrection – although it was never materialised – qualified as an act of treason, and that the main conspirators should be prosecuted as traitors. Several people had by this stage been involved in the production of arms, but only Watt and Downie were eventually tried before the courts.¹²⁵ Both of them were found guilty and sentenced to suffer capital punishment. Watt was hanged and quartered, but Downie was pardoned, and this meant that Watt was the only person to be executed for a political offence in Scotland during the 1790s.¹²⁶

The trials against Watt and Downie were conducted from the middle of August until the beginning of September 1794. By the time they had both been convicted, the Scottish Friends of the People were already in decline, and, by the end

¹²³ *Ibid.*

¹²⁴ Subsequent investigations were set in motion in other parts of the country to see if the plot had ‘extensions’ out of Edinburgh, but none were found. *Edinburgh Evening Courant*, 16 June, 1794.

¹²⁵ It is quite possible that the authorities would have prosecuted Scott and Burke as well, had they not absconded just as the plot was revealed. Barrell, *Imagining*, pp. 253-54, 256. A number of other conspirators were also arrested, including McEwan, Bonthron and the main manufacturer of pikes, Robert Orrock. None of them were ever formally charged with any crime, but they were nevertheless sent to prison for six months or more, held under warrants issued by the Lord Advocate on basis of the act suspending the Act anent Wrongous Imprisonment of 1701 (the suspension act had been passed on 23 May). Brims, Ph.D., p. 559. See also a report on the arrests in: *The Times*, 21 May 1794.

¹²⁶ See for example: Devine, *Scottish Nation*, p. 209. The two trials are dealt with in more detail in chapter 3, pp. 106-10.

of the year the association had all but ceased to exist. Whoever was still committed to pursuing radical policies was not doing so openly and, over the course of the next three years there are few if any signs of radical activity in Scotland. Those who refused to give up the cause of radical reform of the political system were increasingly drawn towards the revolutionary agenda of the shadowy society of the United Scotsmen. Modelled upon the United Irishmen, their Scottish namesakes were also members of a secret society, and probably committed to revolution in Britain, but they were never able to command anything even approaching the numerical strength of the Irish society. More solidly lower class than the Friends of the People, the United Scotsmen nevertheless failed to attract the support of a significant proportion of the Scottish lower classes,¹²⁷ and, as Elaine McFarland has pointed out, the United Scotsmen ‘at their height probably never attracted more than a few thousand members, active and nominal’.¹²⁸

In this situation, where the radical societies were going rapidly downhill and their members were either giving up their activities entirely, suspending them for the foreseeable future or joining secret revolutionary societies, the government proceeded to tighten the screw on the political opposition outside Parliament even further. The two so-called ‘gagging-acts’ – the Treasonable Practices Act and Seditious Meetings Act – both passed in the autumn of 1795 were designed specifically for the purpose of silencing the radicals.¹²⁹ Although they were hardly ever used, the very existence of these two acts reinforced the pressure on the political radicals, who were already intimidated by the outcome of the sedition trials. The consequence was that, by the end of 1795, the government had largely won the battle. The challenge from the domestic threat of radicalism appeared to have been successfully defeated, and the radical societies were never able to regain the momentum they had wielded in 1792-94. As the domestic challenge to the British

¹²⁷ Macleod, ‘Influence of the French Revolution’, pp. 129-30; Brims, Ph.D., pp. 559, 564-66; and McFarland, *Ireland and Scotland*, pp. 152-54.

¹²⁸ McFarland, *Ireland and Scotland*, p. 166. According to the United Scotsmen’s own estimates, they had a total membership of 2871 by May 1797, which had increased by a further 653 by September the same year. Since the society went into decline after 1797, this figure probably represents the peak of membership. McFarland, *Ireland and Scotland*, p. 168.

¹²⁹ Ian R. Christie, *Wars and Revolutions: Britain 1760-1815* (London, 1982), p. 228; and Frank O’Gorman, ‘Pitt and the “Tory” Reaction to the French Revolution 1789-1815’, in *Britain and the French Revolution 1789-1815*, ed., H. T. Dickinson (London, 1989), p. 32.

state subsided, however, the threat posed by the war against Revolutionary France, and the domestic effects and implications of waging that war, became increasingly pressing. For the remainder of the decade, it was this external threat that constituted the main challenge to the British state.

V *The Challenge of War*

The main challenges created by the war against Revolutionary France were largely the same for the whole of Great Britain, and can therefore be dealt with more briefly than the domestic challenge posed by radicalism and politically induced rioting. Although the government did face problems of a specifically Scottish nature with respect to military recruitment – which could be seen as war-related ‘challenges’ facing the government during this period – in the context of this chapter, the focus is nevertheless on the problems that were more directly a consequence of the war. They were the threat of an invasion, and the domestic problems related to growing war-weariness among the public at large, and harvest failures.

i) The Threat of Invasion

From the very beginning of the war, the possibility of a French invasion of the British Isles formed the main external challenge or threat to the British state. In the early years of the conflict, however, Britain was largely on the offensive, and the invasion defences that were put in place were more of a precautionary measure, than a matter of absolute necessity.¹³⁰ There was a brief invasion scare in England in 1794, but by and large, concern about invasion was not too pressing during the first two years of the war.¹³¹ Over the course of 1796, however, the danger of invasion increased significantly, and, especially after the failed French attempt at landing an invasion force at Bantry Bay in Ireland in December that year, defence against

¹³⁰ For more detail on the different systems of invasion defence that were devised during the war, see: chapter 4.

¹³¹ John Ehrman, *The Younger Pitt*, ii: *The Reluctant Transition* (London, 1983), 611.

invasion became the overriding war-priority for the government. Its concern was now increasingly for Ireland more than for mainland Britain, and rightly so.¹³²

Throughout the rest of the war the authorities seem to have persisted in the view that an invasion would probably come in Ireland, or alternatively in England, and there are fewer indications that Scotland was believed to be a likely target for a landing.¹³³ This is not to say that the defence of Scotland was ignored, however. Certainly, since the government took the threat of invasion very seriously indeed, the same general principles and measures for defence against invasion were implemented both north and south of the border, but it was nevertheless perceived to be less likely that an enemy landing would take place in the north of Britain, than in the south.¹³⁴ Two reasons were distance and weather conditions. It was expected that – with the same measures for landed defence implemented throughout Great Britain – the French would not wish to hazard the long and difficult voyage across the rough waters of the North Sea, and the concomitant problems of establishing a good supply line. This became less of a problem for the French with the Dutch surrender in 1796, and the invasion attempts in Ireland seem to indicate that distance was not in the end a particularly great concern for the French. Another problem for an invader, however, was the geography of Scotland, which it was believed would make it difficult for an invasion force to operate effectively. On the other hand, the low number of Royal Navy warships stationed in Scottish waters at any time during the war made the Scottish coast more vulnerable to a landing, than was the case in most parts of southern England. *If* the government thought it less likely that French landing would take place in Scotland, than in England, Ireland or Wales, its attitude was not justified by the deliberations made by the French republican government. Henry Dundas had himself received worrying information from one of his correspondents – a man who had been a captive of the French – as early as 1794. The

¹³² For a general discussion of the war, see: Christie, *Wars and Revolutions*, pp. 215-56; or O’Gorman, *Long Eighteenth Century*, pp. 233-42.

¹³³ Ehrman, *Pitt*, ii, 611, 635, 641-2; and John Ehrman, *The Younger Pitt*, iii: *The Consuming struggle* (London, 1996), 5, 28, 109, 120.

¹³⁴ J. R. Western, ‘The Recruitment of the Land Forces in Great Britain, 1793-99’, unpublished Ph.D. thesis (University of Edinburgh (1953)), pp. 13-32. The absence of a Militia force in Scotland meant that ‘the rhythm of preparation there was throughout the war different from that of England’, but by and large, the same principles for landed defence were adhered to. Western, Ph.D., p. 18.

correspondent had overheard conversations on the subject of invasion, and he wrote to Dundas that he had 'heard much talk of invading Britain', and that the French 'intended the expedition chiefly in Scotland, as they know there was no regular militia there to oppose them'. On the basis of this intelligence, the correspondent urged Dundas 'not to lose a Moment in putting the Country in a proper State of defence'.¹³⁵ Furthermore, Henry Meikle did a search of the French projects of invasion, and his findings revealed that the French government *did* consider Scotland as a suitable place for landing an invasion force.¹³⁶

The launching of an invasion of Britain first became a serious consideration for the French leaders after the more stable government of the Directory had been established in 1795.¹³⁷ To begin with, the Directory kept an open mind as to where an eventual landing should take place, and it decided to send secret agents to all three countries in order to gain knowledge about them and investigate where a landing was most likely to be met with local support. These investigations had only got under way, when contact with the United Irishmen seem to have convinced the Directory to focus solely on Ireland, resulting in Hoche's expedition of December 1796. When this attempt at invasion came to nothing, the Directory devised new plans for a landing in Ireland, involving the Dutch fleet and land-forces, and due to be launched in the spring of 1797.¹³⁸ Because of the delays caused by bad weather and Admiral Duncan's effective blockade, however, the Dutch fleet had not been able to sail at the critical moment of the mutiny at The Nore, and this caused the commanding Dutch general, Daendels, to become increasingly doubtful about the chances of pursuing the project to a successful end.¹³⁹ As an alternative, he drew up a plan for an invasion of Scotland over the period of 9 to 21 August, and this plan was subsequently adopted for the Dutch fleet based at the Texel. Since the British authorities were at this point expecting a landing in Ireland, the plan had the advantage of surprise, although it is

¹³⁵ NAS, RH2/4/208, ff. 678-80, George Young to Henry Dundas, Girvan, 15 February 1794.

¹³⁶ Meikle, *Scotland*, chapter VIII, 'French Projects of Invasion'.

¹³⁷ *Ibid*, pp. 161, 167. The Committee of Public Safety had considered 'the extermination of England' as early as 1793, but no precise plans had been drafted at that point. *Ibid*, p. 165.

¹³⁸ *Ibid*, pp. 167-171.

¹³⁹ For a discussion of the two serious naval mutinies at Spithead outside Portsmouth, and at the The Nore, a base in the Thames estuary, in April and May 1797, see: Christie, *Wars and Revolutions*, pp. 239-41; and Ehrman, *Pitt*, iii, 28.

not certain how successful the Dutch troops would have been at manoeuvring within Scotland, had they ever reached Scottish shores. Admiral Duncan's defeat of the Dutch fleet at Camperdown, however, ensured that the plan could never be put to its test.¹⁴⁰

ii) War-weariness, and harvest failures

The strains of a war which, for most of the decade, was going very badly for Britain, soon made their mark on the British population, and the growing war-weariness that resulted became a problem of some significance for the government from about the middle of 1794 onwards. Emma Vincent Macleod has argued that – with respect to the war – public opinion in Britain was never 'entirely committed to one cause or the other over the whole period of the 1790s', but tended to change in accordance with the fortunes of war.¹⁴¹ Consequently, in those periods when prospects were bleak and Britain faced a serious threat of invasion, the war was deeply unpopular with large sections of the British public, and the government struggled to sustain morale.¹⁴² To an extent, there was little the authorities could do about this other than to hope for an improvement in the situation, but there was one issue which tended to have an influence on people's attitude to the war – the supply of food – that could be addressed more readily.

The 1790s saw some of the most unseasonable weather of the whole of the eighteenth century, resulting in a number of harvest failures which at times led to a serious scarcity of grain. The wet summer of 1792 has already been mentioned, but

¹⁴⁰ C. J. Woods, 'A Plan for a Dutch Invasion of Scotland, 1797', *Scottish Historical Review*, 53 (1974), 108-9. E. W. McFarland has argued that: 'Daendels almost certainly exaggerated the ease with which he could manœuvre 30,000 men in the Scottish interior, sustaining themselves off the land without antagonising the local population', McFarland, *Ireland and Scotland*, pp. 174. Henry Meikle has argued that in 1797: 'It was known that the French had designs on Scotland, and privateers began to appear off the coasts'. Meikle, *Scotland*, p. 179. Precisely what Meikle meant by 'designs' may not be entirely clear, but his source of information – a letter from Robert Dundas to the Home Office – makes no mention of invasion, and is only concerned with the activities of a single French privateer, the 'Bounaparte'. NAS RH2/4/80, ff. 24-5, R. Dundas to the Duke of Portland, Edinburgh, 15 February 1797.

¹⁴¹ Emma Vincent Macleod, *A War of Ideas: British Attitudes to the Wars Against Revolutionary France 1792-1802* (Aldershot, 1998), p. 195. For the overall discussion of this issue, see: *ibid.*, pp. 181-200.

¹⁴² There was also a group of people known as 'The Friends of Peace', who demonstrated more organised and persistent opposition to the war. See: J. E. Cookson, *The Friends of Peace: Anti-war liberalism in England, 1793-1815* (Cambridge, 1982).

far more serious crop failures occurred in 1794, 1795, 1799 and 1800. In effect, Robert Wells has argued, this meant that famine conditions applied in Britain in the periods 1794-96 and 1799-1801.¹⁴³ A better produce in 1796 helped to alleviate the situation somewhat in the early part of 1797 until the relatively poor harvest of that year. 1798 was again a year of normal yield, before the last year of the century also saw the worst harvest of the decade. The critical situation which followed as a consequence in early 1800, was then carried over into 1801 by the mediocre harvest yield of 1800. The most serious harvest failures of the 1790s – those of 1795 and 1799 – were also nation-wide phenomena, and there was therefore little English wheat to be shipped up to Scotland when the rye crops failed there.¹⁴⁴

Although wet summers and poor harvest yields were hardly the fault of the authorities, the scarcity of grain served to exacerbate the strains of war already widely felt, and to reinforce the growing war-weariness and discontent over a struggle to which there seemed to be no successful end within the near or even foreseeable future. For the authorities, however, the most immediate problem to be faced following a failed harvest was the possibility of food riots. The poor accepted bad harvests and their consequences, so long as the authorities did not let farmers and grain merchants make undue profits from a natural crisis, and food riots therefore tended to erupt whenever people felt that someone were trying to profit on the situation, and the authorities did not intervene. Most often, the riots were directed against attempts at moving or exporting grain, but many disturbances also took the form of direct attacks on grain dealers and their properties, or enforced sale of meal at prices fixed by the rioters (usually at a 'fair' or pre-dearth level).¹⁴⁵ In Scotland, the most critical periods with respect to food riots were the spring of 1796 and autumn of 1800, when meal mobs staged widespread disturbances in many parts of the country. Although the sharpest increase in the price of meal took place over the course of 1799 and the early part of 1800,¹⁴⁶ the highest concentration of food riots was in the period between January and March 1796, when Scotland experienced no

¹⁴³ Roger Wells; *Wretched Faces: Famine in Wartime England 1793-1801* (Gloucester, 1988), pp. 1-10.

¹⁴⁴ O'Gorman, *Long Eighteenth Century*, pp. 266-7, and Logue, *Popular Disturbances*, p. 30.

¹⁴⁵ *Ibid.*, pp. 24-32.

¹⁴⁶ Kenneth Logue has estimated that between January 1799 and April 1800, the price of meal in Edinburgh rose by 358%. *Ibid.*, p. 26.

fewer than 11 serious disturbances of this kind.¹⁴⁷ Since they were undoubtedly far more numerous than, for example, political disturbances or unrest connected with military recruitment, food riots could have been expected to have held a prominent position on the government's list of domestic challenges, but the indications are that the activities of meal mobs caused the authorities far less concern than did the crowds planting Trees of Liberty and burning Henry Dundas in effigy in 1792. The scarcity of grain in 1796 was reported upon extensively in the correspondence between the Home Office in London and local public officials in Scotland, and it is interesting to note that of more than 65 letters sent from Scotland concerning scarcity of grain, not a single one mentioned either radicals or radicalism by a word.¹⁴⁸ By comparison, a report on what was ostensibly a food riot in Inverness in 1793, held that 'Want of Provisions ... was only the Specious pretext for this formidable rising', and it was rather thought that 'Pains [*sic*] Book ... & its damnable Doctrines' was the real cause of the riot.¹⁴⁹

The difference in attitudes to food riots in 1793 and 1796, as it emerges from these letters, is symptomatic of the Scottish authorities' perception of the challenges to their rule in the 1790s. It was the reform movement and the activities of the political radicals that they were most concerned about, and disturbances with political overtones which were seen as the most serious. The next four chapters will address the government's responses to the challenges it faced in the 1790s.

¹⁴⁷ *Ibid*, p. 30. See also: Devine, *Scottish Nation*, p. 216.

¹⁴⁸ NAS, RH2/4/79. Volume 79 covers the whole of 1796, and all but a few of the letters are concerned with the issue of grain-shortage, although a number of them deal with several issues in addition to the scarcity of food.

¹⁴⁹ NAS, RH2/4/70, ff. 175-8, Ballies William Mackintosh, William Inglis, Alexander Macintosh and James Clarke, and James Shaus [?] D. G. to 'Dear Sir', Inverness, 9 April 1793.

Chapter 2

The Government of Scotland

In the 1790s the British state faced a crisis of unprecedented proportions. Not only was the British government fighting a war, which – for most of the decade – went badly for Britain, but the authorities also had to deal with a challenge to the political regime on the domestic front in the shape of political radicalism and popular disturbances. This chapter aims to look at how Scotland was governed during the years of domestic turmoil and war against revolutionary France, and to place the government of Scotland within a wider British context. In doing so we will be focussing mainly on the measures the government adopted to respond to and defeat the domestic challenge, but also on those efforts which were made to rally the support of the nation behind the government and its policies.

I

Background

An argument can be made for stating that the government of Scotland was in a more robust state in 1792, than it had ever been before since the Act of Union in 1707. Although the Treaty of Union had created a single British state, it did not necessarily follow that it created a uniform system of government within this new state, nor had the Union agreement addressed the issue of how Scotland would be governed as a constituent part of Great Britain.¹ Since no immediately obvious solution presented itself at an early stage, and it remained difficult to devise a system which would cater to both Scottish interests and those of the central government in London, the consequence was that the executive part of the government of Scotland remained in a

¹ The Union settlement merely stated that the Scottish Privy Council – the central executive body in Scotland before the union – was to be kept, but at the mercy of what the British Parliament at Westminster would ‘think fit’ for the long-term government of the country. No more than about a year had passed before Parliament decided to abolish the Scottish Privy Council, and it was done without providing for any replacement. Alexander J. Murdoch, *‘The People Above’: Politics and Administration in Mid-Eighteenth-Century Scotland* (Edinburgh, 1980), pp. 1-3; and P. W. J. Riley, *The English Ministers and Scotland 1707-1727* (London, 1964), pp. 15-6. The Scots were given representation in the English Privy Council in 1707, which was then re-named ‘the Privy Council for Great Britain’, even though the Scottish Privy Council was still in existence. *Ibid.*, p. 28.

decidedly fluid state for much of the eighteenth century.² Gradually, however, a viable alternative was developed in the shape of the informal ‘manager’ system.³

The idea was for the position as manager to be held by someone who was loyal to the government, and had substantial influence among the Scottish elite. The manager would need to be well acquainted with Scottish law, the Scottish election system and traditions of government in general, so that he could provide the government with advice on Scottish affairs. To reinforce his position, ministers would leave him in charge of most of government patronage for Scotland.⁴ Anyone who looked for a position in the public sector, was aiming at a political career at Westminster or merely wanted to influence decision-making in one way or another, would thus have to go through the manager – or at least that was the intention. In return for his control of government patronage, the manager would be expected to ensure that Scottish MPs and peers sided with the government in most divisions in Parliament, thereby creating a substantial bloc-vote in both Houses.⁵ By and large, the manager system suited both Scottish interests and those of the government in London, but in order to function satisfactorily, managership relied heavily upon the personal abilities of whoever was appointed manager.⁶ It was therefore first with the rise of Henry Dundas in the 1780s as a particularly successful manager that the

² Murdoch, *People Above*, p. 3; Riley, *English Ministers*, pp. 90, 290; and John Stuart Shaw, *The Political History of Eighteenth-Century Scotland* (London, 1999), pp. 26-7. David Brown has argued that the abolition of the Scottish Privy Council ‘left a vacuum in Scottish government’. David J. Brown, ‘Henry Dundas and the Government of Scotland’, unpublished Ph.D. thesis (University of Edinburgh, 1989), p. 20.

³ Murdoch, *People Above*, pp. 4-6.

⁴ Since the Treaty of Union secured the continuance of both the Scottish legal and electoral systems, it was useful for the central government in London that the person in charge of Scottish affairs was well acquainted with Scots law and election procedures.

⁵ David J. Brown, ‘The Government of Scotland under Henry Dundas and William Pitt’, *History*, 83 (1998), 266; Brown, Ph. D., pp. 23-25; Murdoch, *People Above*, pp. 6-8; and Shaw, *Political History*, p. 35.

⁶ David Brown has argued that the Scottish elite remained ‘divided on the merits of management’, and that ‘its return after a seventeen-year absence [1783] was not universally welcomed’. Brown, ‘Government of Scotland’, *History*, 83 (1998), 270. See also: Brown, Ph.D., pp. 83, 91. For the majority of Scots, however, the manager system must have been preferable. They might well have disliked the person who held the position at a particular time, but at least having an identified Scottish manager ensured that the London-based government would address Scottish issues, and that was more important. See: *ibid.*, pp. 22-23; and Murdoch, *People Above*, p. 10-11. For the government, the system meant that the deployment of patronage to influence the outcome of Scottish elections could be left in the hands of a Scot with firsthand knowledge of the electoral system in Scotland, a solution many English ministers found very convenient. Brown, ‘Government of Scotland’, *History*, 83 (1998), 266; Brown, Ph. D., pp. 23-25; Murdoch, *People Above*, pp. 6-8; and Shaw, *Political History*, p. 35.

system became entrenched and that a lasting solution to the executive of Scotland seemed to have been reached.⁷

When rioting broke out in the spring of 1792, however, it was the local public officials – the government’s men on the ground – who had to face the problem in the first instance and at first hand. No matter how loyal to Henry Dundas the majority of the political nation in Scotland may have looked on paper, and how far local public officials depended on government patronage for their position, it was only when the system was put to a serious test in 1792 that it would become clear if the structure would remain sound when placed under strain. The first issue which needs to be addressed is therefore the initial response from the local government representatives in Scotland.

II *The initial response*

The sound state of the central government in Scotland at the beginning of the 1790s notwithstanding, the sudden outburst of radical political activity, coupled with politically induced popular disturbances, not only took the authorities by surprise, but also caught them badly prepared. There was initially no clear strategy of responding to the menace and, at the local level, some public officials appear to have been wrong-footed to begin with. Although there were only a minority who were seized by outright panic, many were undoubtedly brought to the brink of panicking, and this was particularly evident in some of the cases where the local sheriff or magistrate had to stand face to face with a crowd of angry people.

The initial surprise, tendency to panic and consequent confusion, which marked the reaction of government officials at some of the earliest disturbances was most obvious in connection with the King’s birthday riots in Edinburgh in 1792.⁸

⁷ The career of Henry Dundas has been the object of extensive research, and in addition to those works already mentioned, more information can be found in: David J. Brown, “Nothing but Struggles and Corruption”, *The Commons’ Elections for Scotland in 1774*, in *The Scots and Parliament*, ed., Clyde Jones (Edinburgh, 1996), pp. 100-19; Holden Furber, *Henry Dundas: First Viscount Melville 1742–1811* (London, 1931); Michael Fry, *Patronage and Principle: A Political History of Modern Scotland* (Aberdeen, 1987), pp. 10-19; Michael Fry, *The Dundas Despotism* (Edinburgh, 1992); and Cyril Matheson, *The Life of Henry Dundas: First Viscount Melville 1742-1811* (London, 1933).

⁸ For a discussion of the riot, see: chapter 1, pp. 9-12.

Among the first reports on the disturbances was a letter from Lord Adam Gordon to Henry Dundas, sent the day after the King's birthday, in which Gordon found reason to inform Dundas about 'an unpleasant Riot' which had occurred the day before and expressed his concern about 'the bad spirit which rather seems, to gain ground in this country'. He also put forward his 'most earnest wish, that measures may be taken, effectually to restore the Tranquillity of the Country – some of which – I have not failed, upon former occasions, to point out to His Majestys Ministers'.⁹ James Stirling, the Lord Provost of Edinburgh, expressed similar concerns some days after the riot had come to an end, pointing out that 'everything remains, and there is thank God every reason to expect will continue peaceable and quiet'.¹⁰ An investigation into the causes of the riot was launched subsequent to order being restored, and a total of seventeen declarations were collected from different people in the city (including the sheriff John Pringle and James Stirling) who had either been exposed to the anger of the crowds, or knew something about the build-up to the disturbances. Most of these declarations expressed a sense of astonishment and horror at the recent events, such as that by Admiral Adam Duncan, who – at the head of a party of soldiers – had been exposed to a stone-throwing crowd, which screamed 'Damn them they dare not fire'; or Hugh Warrender, a Writer to the Signet in the city, who narrated that an 'attack upon himself and Mr Pringle was such, as certainly would have put them in hazard of their lives had they not found shelter when they did'.¹¹ Nevertheless, even after all this information had been collected and many different

⁹ National Archives of Scotland [NAS], Home Office Correspondence: Scotland, RH2/4/206, ff. 335-38, Adjutant General's Office, Edinburgh, 5 June 1792 ['From Adam Gordon to Henry Dundas', is included at the end of the letter].

¹⁰ NAS, RH2/4/63, f. 101, James Stirling to Henry Dundas, Edinburgh, 13 June 1792. Stirling had by then already given an account of the riot. See, *ibid.*, ff. 93-5, James Stirling to Henry Dundas, Edinburgh, 12 June 1792.

¹¹ NAS, RH2/4/63, ff. 108-12, Declaration from Admiral Adam Duncan [all the declarations were undated]; and *ibid.*, ff. 151-56, Declaration by Hugh Warrender Esq. Writer [to the Signet] in Edinburgh. The other declarations were: *ibid.*, ff. 113-21, Lieut. Colonel Francis Dundas; ff. 121-31, John Pringle, sheriff-depute, Edinburgh; ff. 133-37, George Williamson, Messenger in Edinburgh; ff. 130-40, Major Robert Mathews, 53d Regiment; ff. 145-46, John Wilson, Mason; ff. 147-48, Norval [?] Roger, foreman to John Hay, Builder in Edinburgh; ff. 157-58, The Revd. Mr William Simpson, minister in Edinburgh; ff. 159-64, Ensign George Hay of the 53d Regt of Foot; ff. 164-68, Doctor John Rotherham, Physician in Edinburgh; ff. 169-70, James Stirling; ff. 177-78, James Laing, Junior Waiter in Edinburgh; ff. 178v-79, James Innes, Gunsmith in Edinburgh; f. 181, William Murray, Clerk to Elphinston Balfour Bookseller in Edinburgh; ff. 183-85, Alexr. Scott, Clerk to Alexander Guthrie Bookseller on South Bridge, Edin.; and RH2/4/64, ff. 187-88, Daniel Murray, Clerk to Mr Sprott, Solicitor at Law.

views had been heard, John Pringle was still at a loss to establish the origins of the disturbances – which he claimed was a cause of ‘distress’ for himself.¹² Not the least because ‘there is at present not even a grumble’, he wrote to Henry Dundas in late June, he found himself ‘still puzzled to account how, the wanton and most unprovoked tumults of the Birthday originated’.¹³

Similar reactions to those which were manifested on the King’s birthday in June, again came to the fore during a riot in Ross-shire later in the summer, although the element of surprise was not as marked by then. The unrest had begun in late June, and was only an escalation – albeit a serious one – of a long-standing dispute in the Highland-counties of Ross-shire over the introduction of sheep farming.¹⁴ The disturbances centred on the estates of Sir Hector Munro of Norvar – who had been deeply involved in the introduction of sheep farming in the area – and by the end of July, Munro deemed the situation critical enough to notify the Edinburgh authorities.¹⁵ He called a meeting of the local Freeholders and Justices of the Peace, which authorised him to ask the Lord Advocate for five hundred infantry and three troops of Cavalry to be immediately despatched up north for the purpose of subduing the mounting insurrection. Military reinforcements – Munro believed – would enable the local authorities to seize and ‘bring the ringleaders of the present Commotions to justice’, and thereby hopefully suppress the disturbances. In his letter to Robert Dundas, Munro made no attempts to disguise his concern about the situation, or what the outcome would be without military assistance: ‘The Sheriff will explain to your Lordship that we are at present so completely under the Heel of the Populace that should they come to Burn our houses, or destroy our Property in any way their Caprice may lead them to we are incapable of resistance’. Munro believed the unrest had been ‘fomented by the People of Sutherland Shire’, the neighbouring county, and that they were ‘peculiarly active in carrying their present desparate Plans into execution, which makes the Case still more alarming’.¹⁶ Even more disturbing news, however, were sent by Donald MacLeod of Geanies, the sheriff-depute of Ross, who

¹² NAS, RH2/4/64, ff. 197-200, John Pringle to Henry Dundas, Edinburgh, 19 June 1792.

¹³ *Ibid.*, ff. 201-2, James Stirling to Henry Dundas, Edinburgh, 20 June 1792.

¹⁴ For discussion of the Ross-shire riot, see: Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil* (Edinburgh, 2000), chapter 6: ‘The Insurrection of 1792’.

¹⁵ For more detail on Munro’s involvement in sheep farming, see: *ibid.*, pp. 88-9.

¹⁶ NAS, RH2/4/64, f. 258, Hugh [Hector?] Munro to the Lord Advocate, Dingwall, 31 July 1792.

informed Robert Dundas that the insurrectionists appeared to be in the process of arming themselves, and that 'a Person from Sutherland had Come to Inverness a few days Ago, & had purchased Gun Powder to the Value of £16 Stg'.¹⁷ Robert Dundas responded by authorising the deployment of troops to quell the disturbances, before informing his uncle in London about the situation and his own actions.¹⁸ The reply from Whitehall was an unequivocal endorsement of the strategy which had been adopted and indeed, having considered the 'Outrages committed in the County of Ross', Henry Dundas decided it was 'indispensably necessary that the most vigorous and effectual measures should be taken for bringing these daring Offenders to punishment'. He praised the 'Gentlemen of the County' for their handling of the disturbances so far, and promised that if the regiment the Commander in Chief had already sent should prove insufficient for quelling the disturbances, 'additional strength' could be instantly despatched from England.¹⁹ In the meantime, a smaller revolt in Inverness-shire had been broken by the determined action of the local landowners, but the Ross-shire rebellion proved harder to subdue, and in the eyes of sheriff-depute MacLeod, the situation was in danger of spiralling out of control.²⁰ In a letter to the Inverness-shire authorities and landed men, where he requested their assistance in a concerted action against the insurgents, he wrote that: 'You can be no Stranger to the Tumults, Commotions, and actual Seditious Acts that are going on in this County at this time; the Flame is spreading; what is our Case to-day, if Matters are permitted to proceed, will be yours To-morrow'. MacLeod also stressed that he had the backing of the Lord Advocate 'to proceed against the Insurgents, should it be necessary, to the last Extremity'. The response from Inverness-shire was favourable, and the proprietors there not only agreed to gather their 'Adherents ... at any place of Rendezvous' in order to assist the sheriff of Ross in 'suppressing the Seditious Commotions' he had referred to in his letter, but also to raise funds to defray expenses, and place additional troops, arms and ammunition from Fort George at the

¹⁷ *Ibid.*, ff. 262-64, Donald MacLeod to the Lord Advocate, 31 July 1792.

¹⁸ *Ibid.*, ff. 254-56, R. Dundas to H. Dundas, Edinburgh, 6 Aug. 1792.

¹⁹ NAS, RH2/4/218, Home Office: Domestic Entry Books, Scotland, pp. 99-100, Henry Dundas to Lord Advocate, Whitehall, 9 August 1792.

²⁰ Richards, *Highland Clearances*, p. 95.

sheriff's disposal.²¹ The concerted action was successful, and on 10 August Robert Dundas could report to London that 'Tranquility ... is in a fair way of being immediately restored'.²² Three days later he wrote that the rebellion had been 'completely quelled'.²³

The reactions of the local authorities to the Ross riot were symptomatic of the responses which were to come elsewhere in Scotland in similar situations of popular unrest, but also revealed many of the key characteristics and weaknesses of local government in Scotland. Although they knew that those who were involved in the disturbances were chiefly concerned with the spread of sheep farming, MacLeod and others still found reason to stress what they believed to be a seditious element in the disturbances, and for particular reasons. Following the political rioting of the spring of 1792, Eric Richards has pointed out, the Highland lairds were alarmed at the thought of the north becoming 'contaminated with radicalism imported from the south'.²⁴ The first explanation that sprung to mind among the Highland landowners in the summer of 1792 was therefore that radicals had been at work, going about and sowing discontent in the minds of ordinary people. This suspicion of radical infiltration was a view generally held by local government officials facing popular disturbances at the time, but in the case of the Ross-shire riot, it rested on particularly flimsy evidence. As Lord Adam Gordon later found reason to point out in a private letter to Henry Dundas:

If I was to hazard an opinion upon the matter – It is a decided one – that no *disloyalty* – or spirit of *rebellion* – or dislike to His Majesty's Person, or *Government* – is in the least degree concerned – in these tumults – and that they have solely originated – in a (too well founded) apprehension – that the landed proprietors in Rosshire, and some of the adjacent Highland Counties – were about to let their Estates to sheep-farming – by which means – all the former tenantry would be ousted.²⁵

²¹ NAS, RH2/4/64, f. 271, Resolution by 'a Meeting of the Freeholders, Commissioners of Supply, Justices of the Peace, Heritors, and Gentlemen of the County of *Inverness*', Inverness, 6 August 1792, [the resolution includes MacLeod's letter, which is dated: Dingwall, 3 August 1792.].

²² *Ibid.*, f. 272, R. Dundas to H. Dundas, Edinburgh, 10 August 1792.

²³ *Ibid.*, ff. 278-79, R. Dundas to H. Dundas, Edinburgh, 13 August 1792.

²⁴ Richards, *Highland Clearances*, p. 88.

²⁵ NAS, RH2/4/64, f. 291, Private letter, Lord Adam Gordon to Henry Dundas, Fort George, 19 August 1792 [original italics].

In the same letter, Adam Gordon stressed that he did not take issue with the landed proprietors' legal rights to introduce these measures, nor did he oppose the view that the ringleaders of the riots ought to be brought to justice for their actions; but he did wish to underline that – in his opinion – it was a flawed interpretation of the situation the local public officials presented. Gordon was himself clearly concerned about the disturbances, and in an official letter sent on the same day he pointed out that: 'The late disagreeable disturbances in Ross-shire, are subsiding – and likely – soon to end', before adding that 'Thank God – as yet – no Blood has been Spilt'.²⁶

The Ross riot was, however, also indicative of other aspects of local government during the early crisis of 1792. It revealed how little the civil authorities were able to do about an insurrection on a larger scale without the backing of military forces. At a time with no standing police force, local government representatives had very limited means for physical coercion at their disposal, and in cases where troops were not readily available, local officials were often unable to suppress disturbances effectively.²⁷ Instead, they would either have to adopt delaying tactics in an attempt to calm the situation, negotiate with the crowds, or simply give in to their demands – at least in the short term. Under such circumstances, much could rely on how shrewdly the local magistrate or sheriff assessed the situation, and on how calm and collected he remained when under pressure. Not everyone handled the new and more aggressive atmosphere of 1792 equally well, and this became increasingly clear during the second wave of rioting in the autumn of that year.²⁸

The Edinburgh authorities had noted a potential for renewed radical activities and unrest as early as by the end of September, when James Stirling reported to Henry Dundas that he had 'sent Expresses' to both the Lord Advocate and the Solicitor-General in order to arrange a meeting 'to take under consideration, the seditious Publications which continue to peep out here'.²⁹ Dundas also received

²⁶ *Ibid.*, ff. 294-95, Lord Adam Gordon to Henry Dundas, Fort George, 19 August 1792.

²⁷ On the absence of an effective police force in eighteenth-century Britain, and the limitations placed on the use of military force by civil magistrates through the Riot Act of 1715. see: Ian R. Christie, 'Conservatism and stability in British society', in *The French Revolution and British Popular Politics*, ed., Mark Philp (Cambridge, 1991), pp. 174-76 [The Riot Act had to be read by a civil magistrate before military force could be deployed.].

²⁸ The popular disturbances in Scotland in 1792 came in two waves – from the beginning of June until the end of August, and from November to the end of December, see: chapter 1.

²⁹ *Ibid.*, f. 333, J. Stirling to Henry Dundas, Edinburgh, 24 September 1792.

anonymous correspondence on the ‘Dispersion of Seditious letters’,³⁰ and concern similar to that expressed by James Stirling was put forward by Allan Macconochie – an Edinburgh Advocate who resided in Glasgow – only a few weeks later. Macconochie appears to have been genuinely concerned about the possibility of a revolution beginning in Glasgow, and wrote of how: ‘The Success of the French Democrats has had a most mischievous Effect’ in that city.³¹ After widespread unrest again broke out in November, nervous members of the local elites sent equally apprehensive reports to the authorities in Edinburgh. William Maxwell of Springkell in Dumfriesshire, for example, wrote to the Lord Advocate on 19 November about ‘a variety of facts’ of an ‘alarming nature’, which had been brought to his attention. ‘Emmisarys of sedition have been at work in this part of the Kingdom, sowing the Seeds of discontent, faction & rebellion amongst the lower Classes of the People’, he wrote, and by spreading ‘the most infamous falsehoods’ and using ‘the most insidious artifices’, these evil-minded people had been able to convert many of the ‘weak & uninformed’ to their cause.³² Maxwell was particularly concerned about the increased circulation of Thomas Paine’s book *Rights of Man*, which he believed was ‘now in the hands of almost every Countryman’, not the least because it was sold at ‘so low a price as twopence’. In his own opinion the ‘daring & seditious Riot that happened lately at Langholm’ was all too likely to have been spurred on by the circulation of seditious material such as Paine’s book, and in essence, Maxwell could not help but, ‘dreading the consequences that may arise from the present discontents, the absurd doctrine of equality, and the spirit of licentiousness which seems every where to prevail in the Kingdoms, amongst the lowest Classes of the People’.³³ He therefore turned to the Lord Advocate for ‘advice & direction how to act’ in the present ‘alarming crisis’.³⁴ Maxwell’s was not a lone voice of apprehension. David Smyth in Perth was concerned about the impact the activities of political radicals had

³⁰ *Ibid.*, f. 344, Anonymous to Henry Dundas, undated. For a similar anonymous letter, see: NAS, RH2/4/65, f. 160, from ‘A well wisher to Government’, undated.

³¹ NAS, RH2/4/64, ff. 369-70, Allan Macconochie Esq., Advocate Edinburgh to Henry Dundas [?], Glasgow, 12 Oct 1792.

³² NAS, RH2/4/65, ff. 54-7, Wm. Maxwell to ‘My Lord’ [Lord Advocate?], Springkell, 19 November 1792 [quotes: f. 54]. Maxwell was a baronet at Langholm in Dumfriesshire, see: Henry W. Meikle, *Scotland and the French Revolution* (Glasgow, 1912), p. 95.

³³ NAS, RH2/4/65, f. 55v.

³⁴ *Ibid.*, f. 56.

on ordinary people, and after the rioting appeared to have subsided in early December 1792 he hoped that the recent events would ‘be a lesson to the reformers to avoid measures which may stir up such outrages’.³⁵ Lord Adam Gordon was constantly worried about the number of troops stationed north of the border, which in his opinion was largely insufficient to ensure peace and quiet, and in November 1792 it was particularly the situation in Dumfries that caused him concern. In a letter to Henry Dundas he argued that ‘if more Troops were to be drawn from that part of Scotland, Riots and Disturbances would follow’.³⁶ A few weeks later he expressed similar concerns about ‘the very weak State of His [Majesty’s] Castle of Dumbarton, (a Post of much importance if any Disturbances arise in the west of Scotland, or from Ireland)’.³⁷ Following the outbreak of war in February 1793 it was inevitable that Scottish soldiers would be needed for service abroad, but upon the decision to remove four Battalions from Scotland for the planned campaign in Holland, Gordon urged Dundas to ‘consider the State of this Country ... for till the Fencibles are in force we are every where weak and exposed and tho’ the Bad Spirit, of some Individuals, be somewhat stifled – it is by no means, extinguished’.³⁸ A stronger military presence was also requested by George Auldjo, the Provost of Aberdeen, who was struggling to resolve a conflict with a group of sailors blocking the harbour.³⁹ He stressed that if a ‘general arrangement could be made’ whereby a hundred soldiers were stationed in Aberdeen, ‘this part of the Country would be perfectly quiet’.⁴⁰ The need for more troops to be stationed in Scotland when the worst rioting was going on in Dundee and Perth was, however, acknowledged by Henry Dundas.⁴¹

As a consequence of the widespread agitation by political radicals and the popular unrest which materialised over the course of 1792, the atmosphere in

³⁵ NAS, RH2/4/66, ff. 194-95, David Smyth to Henry Dundas, 3 December 1792.

³⁶ NAS, RH2/4/65, ff. 163-64, Lord Adam Gordon to Henry Dundas, Abbey, Edinburgh 29 November 1792.

³⁷ NAS, RH2/4/67, f. 371, Lord Adam Gordon to Henry Dundas, Abbey, Edinburgh 16 December 1792 [original brackets].

³⁸ NAS, RH2/4/70, f. 25, Lord Adam Gordon to Henry Dundas, Abbey, Edinburgh 6 March 1793.

³⁹ NAS, RH2/4/66, ff. 235-36, Geo. Auldjo, Provost of Aberdeen to Lord Adam Gordon, Aberdeen, 5 December 1792.

⁴⁰ *Ibid.*, ff. 317-18, Geo. Auldjo Provost to the Lord Advocate, 12 December 1792.

⁴¹ NAS, RH2/4/65, ff. 94-5, Henry Dundas to Evan Nepean [Undersecretary of War], Edinburgh, 26 November 1792.

Scotland had undoubtedly become very heated by the end of the year, and the perhaps most revealing comment in this respect came from John Pringle, the sheriff of Edinburgh. In a letter to Henry Dundas, Pringle apologised for having recently supplied Dundas with what turned out to be misinformation, but lamented that: 'I am somewhat pestered with false or exaggerated Information that I am rather disposed to be distrustful [of] but on the present occasion was thrown off my Guard – which I promise shall never be the case again'.⁴² The ruling classes in Scotland had clearly been shaken by the sudden upsurge of disturbances, and in the chaos and confusion of 1792, many of them were prepared to believe most of the rumours they came across. George Home of Wedderburn, for example, feared the possibility of a revolution on the French model erupting in Scotland. Writing to his cousin in London, he claimed that 'many People, and some of no mean ability, are determined to exert themselves to bring about a Similar Revolution in this Country'. The government could not risk being complacent about the situation – despite the apparent moderation of some of the reformers – because 'at present the mob can be repressed, in a litte [*sic*] time they may be able to carry all before them'. Unless firm action was taken, Home argued, Scotland risked becoming 'a mob Governed Country'.⁴³ A few weeks later he also wrote that: 'The Societies and associations *here* against Government are I beleive [*sic*] rather upon the Encrease', and lamented that Edinburgh had become 'the *Paris* of Scotland'.⁴⁴

Although reports at the beginning of 1793 indicated that the unrest had been subdued in most parts of Scotland,⁴⁵ Robert Dundas was not convinced by the apparent quietness of the country. He thought that 'The Spirit of the people here may be at present compared to Gunpowder which is just now in a quiescent state but a spark only is necessary to set it ablaze'.⁴⁶ As it turned out, there would be no further

⁴² NAS, RH2/4/67, f. 399, John Pringle to Henry Dundas, Edinburgh, 18 December 1792. The false information was nothing more alarming for the government than an exaggerated claim on the number of 'Patriots' in Edinburgh, *ibid.*

⁴³ NAS, Home of Wedderburn MSS, GD267/1/16, George Home to Patrick Home Esq. of Wedderburn M. P., Gower Street London, Edinburgh, 25 November 1792 [original italics].

⁴⁴ *Ibid.*, George Home to Patrick Home, Edinburgh, 3 December 1792 [original italics]. On the renewed tendency to panic among some government officials in Scotland, see also: T. C. W. Blanning, *The Origins of the French Revolutionary Wars* (London, 1986), p. 146.

⁴⁵ NAS, RH2/4/68, ff. 60-1, Kenneth Mackenzie to 'Sir' [Henry Dundas?], Edinburgh, 3 January 1793; and *ibid.*, f. 62, Robert Dundas to Henry Dundas, Edinburgh, 5 January 1793.

⁴⁶ *Ibid.*, ff. 152-53, Robert Dundas to Henry Dundas [?], Edinburgh, 13 January 1793.

large scale disturbances in Scotland until the Militia riots of 1797, but public officials in Scotland none the less remained tense until well after the main political trials had been successfully concluded in 1794. An isolated riot in Inverness in the beginning of April 1793, for example, prompted the local bailies to comment: ‘God grant that neither we nor posterity may again Witness such a Scene’,⁴⁷ while the bankruptcy of a few principal mercantile houses in Glasgow early that year, sparked an equally strong reaction. The crisis in Glasgow, James Stirling wrote to Henry Dundas, had been triggered by the failure of ‘two Capital Houses in London’ with which the Glasgow merchant houses had been ‘deeply connectid’.⁴⁸ This, he claimed, threatened to plunge the whole of western Scotland into ‘a general Bankruptcy’, with the even more daunting possibility of a cumulative effect for the Scottish economy as a whole. Stirling made no attempt to conceal his concern about the situation and wrote to Henry Dundas: ‘For gods sake Sir let something be done and speedily or the consequences cannot be foretold’.⁴⁹ A few months later it was clear that – although the ‘Manufactures and Trade’ in Glasgow had ‘suffered a dreadful Reverse’ and been ‘plunged into the Depth of Distress’ – the dreaded universal bankruptcy had not yet materialised.⁵⁰ None the less, James Fraser, the Secretary of the Bank of Scotland, found reason to stress that the Edinburgh banks – which were also suffering as a consequence of the crisis in Glasgow – were still in need of government aid to successfully ride off the storm.⁵¹ An anonymous letter from Glasgow painted an even darker picture of the situation. The author insisted on giving his ‘account of the very alarming situation in which Scotland is at this moment’, which he claimed had begun with the bankruptcy in Glasgow, but had now ‘spread a universal panick and want of confidence over the whole kingdom’.⁵² Not only was this panic a threat to ‘every man of property’, but increasingly it was also threatening peace and stability in the

⁴⁷ The riot was ostensibly about a shipment of grain out of Inverness harbour, but the bailies rather thought it was the influence of ‘Paine’s book’ that was the cause of the trouble. NAS, RH2/4/70, ff. 175-8, Bailies William Mackintosh, William Inglis, Alexander Macintosh and James Clarke, and James Shaus [?] D. G. to ‘Dear Sir’ [Henry Dundas?], Inverness, 9 April 1793.

⁴⁸ Bank of Scotland Archives [BSA], Melville Papers, BS20/32/59, Sir James Stirling to Henry Dundas, Edinburgh, 20 February 1793.

⁴⁹ *Ibid.*

⁵⁰ BSA, BS20/32/62, James Fraser to Henry Dundas, Edinburgh, 27 April 1793.

⁵¹ *Ibid.*

⁵² NAS, RH2/4/70, ff. 179-80, ‘Extract of a Letter from Glasgow’, 23 April 1793.

country. Due to the financial crisis, sections of '*the discontented weavers*' in the city had already been 'discharged', and with no regular military force available and the Fencibles not yet embodied, it was – in the view of the author – 'impossible to say what will be the consequence'. 'Something must be speedily done', he urged the authorities, 'or this country will be totally ruined'.⁵³

A particular concern which affected the Edinburgh authorities from September 1793 onwards, was the retention within the Tolbooth prison of the city of those prominent political radicals who had been convicted of sedition by the Scottish High Court, and who were awaiting transportation to Australia. Thomas Elder was the first to bring the problem to Henry Dundas's attention in a letter he sent on 7 September. Elder wrote to inform Dundas that 'Muir's Sentence has revived the frequency of the meetings of the societies call'd friends of the people', and that 'his remaining here tends very much to keep up the Spirit of Sedition'. On behalf of the magistrates of the city, he therefore urged Dundas to 'get him removed from this Country as soon as possible'.⁵⁴ Elder's request was supported by John Pringle, who could provide additional information to the extent that 'Reports have been circulated that his [Muir's] Adherents have it in contemplation to rescue him from Jail'. Pringle did not think that such a rescue attempt was very likely to happen – or to succeed if it should take place – but he *did* think it unfortunate if Muir was to be kept in Edinburgh for much longer, since 'the minds of the lower Class of people will be kept in a ferment while he remains here'.⁵⁵ No immediate action was taken by the government in London, and nearly two months later, Robert Dundas found it necessary to reinforce the point himself. 'The bad consequences of Muir's remaining in Prison here, become every day more apparent' he wrote to Henry Dundas, and stated that 'I consider his removal to London, as early as convenient to be essential for the Peace & Quiet of this City'.⁵⁶ The request of the Edinburgh authorities was eventually complied with, and Muir was moved to one of the prison-ships anchored

⁵³ *Ibid.*, [original italics].

⁵⁴ NAS, RH2/4/72, f. 43, Thomas Elder to 'Sir' [Henry Dundas], Edinburgh Council Chambers, 7 September 1793.

⁵⁵ *Ibid.*, ff. 48-9, John Pringle to Henry Dundas, Edinburgh, 8 September 1793.

⁵⁶ *Ibid.*, ff. 86-8, Robert Dundas to 'My Dear Sir' [Henry Dundas?], Edinburgh, 28 October 1793. See also: NAS, RH2/4/73, ff. 264-65, Robert Dundas to 'My Dear Sir', Edinburgh, 11 December 1793.

in the Thames.⁵⁷ The same problem, however, re-emerged after the trials of the leading British Convention delegates. On 17 January 1794, Thomas Elder wrote to Henry Dundas that: 'Tho I believe The Lord Advocate has wrote you, to solicit the early removal of Skirving and Margarot from our Jail, yet the anxiety of the Magistrates has prompted me also to trouble you on the same Subject.'⁵⁸ Since the two radicals had 'little or nothing else to do', Elder wrote, they had been 'constantly employed in hatching mischief, writing seditious paragraphs for their Newspaper the Edr. Gazetteer, Resolutions for their Societies, hand bills &c'. The best solution would therefore be if Dundas could 'as soon as possible send down a warrant for their removal hence'.⁵⁹

By the end of 1794, the tension which had been so marked among public officials in 1792 and 1793 seemed to ease, and, gradually, local government regained its confidence. Adam Gordon did come close to panic over the Fencible mutinies in 1794, but his was largely a lone voice of despair by then.⁶⁰ The main reason for this change was that the central government's response to the challenge created by the upsurge of political radicalism and popular unrest was now beginning to have its impact.

III

The policy of the central government

As Home Secretary, domestic security was Henry Dundas's responsibility, and the government campaign which was launched to counter radicalism in 1792 was largely masterminded by him.⁶¹ Dundas was in London when the first round of disturbances broke out in Scotland in the spring of 1792, but travelled north to see the trouble for himself as soon as he was able to, and arrived in Edinburgh just before the middle of October.⁶² Once in Scotland, Dundas was soon convinced that 'something effectual'

⁵⁷ For an account of Muir's fate after he was sent away from Edinburgh, see: Christina Bewley, *Muir of Huntershill* (Oxford, 1981).

⁵⁸ NAS, RH2/4/74, f. 93, Thomas Elder to Henry Dundas, Edinburgh, 17 January 1794.

⁵⁹ *Ibid.*

⁶⁰ At the height of the mutinies Gordon had despaired of being 'quite at a loss – of what to do', NAS, RH2/4/75, f. 289, Lord Adam Gordon to Henry Dundas, Abbey Edinburgh, 16 March 1794.

⁶¹ See: Fry, *Dundas*, pp. 158-59.

⁶² Meikle, *Scotland*, p. 93.

had to be done to stop the spread of radicalism and radical societies, as well as to root out popular disturbances and their causes.⁶³ Many of the letters he received from concerned public officials and other members of the local elites across Scotland while there, he forwarded on to Evan Nepean at the Home Office, so that they could be inspected by Pitt and Grenville,⁶⁴ and in the last letter he sent before returning to London, he also stressed the need for stationing more troops in Dundee.⁶⁵ Particularly his final letter seems to indicate that he had been convinced of the severity of the situation in Scotland, and consequently of the grave threat that faced the existing political regime. At no point, however, does Dundas appear to have doubted either his own or the government's ability to handle the crisis and successfully face off the challenge, and in this he was representative of all the top members of the ruling elite – both in Scotland and in Britain as a whole. Although some of the government's men on the ground had been pushed to the brink of panic, and the governing classes as a whole had been rattled by the events of 1792, the people at the head of government remained calm and collected.⁶⁶ There was no 'night of the fourth of August' in Britain.⁶⁷ The British ruling classes did not panic and surrender when faced with the radical challenge of the early 1790s, in the way that the French aristocrats had done when they stood before the self-confident representatives of the Third Estate in 1789, but rather closed their ranks in determination to meet the problem. But also in the longer term, it was clear that the British governing elite never lost its belief and confidence in either its own ability or right to govern the country, and this perhaps marked the greatest contrast with France, where the morale of the elite had arguably been broken long before the revolution in 1789.⁶⁸ Throughout the bleakest war years such as 1797 the morale of

⁶³ NAS, RH2/4/64, ff. 278-79, Henry Dundas to Evan Nepean, Edinburgh, 14 October 1792.

⁶⁴ Meikle, *Scotland*, p. 94.

⁶⁵ NAS, RH2/4/65, ff. 94-5, Henry Dundas to Evan Nepean, Edinburgh, 26 November 1792. Dundas forwarded another two batches of letters to Nepean from Melville Castle, see: *ibid.*, ff. 48-53, 24 November 1792, and ff. 68-70, 25 November 1792.

⁶⁶ David Brown has argued that, as far as Scotland was concerned: 'The government had survived the crisis of November and December, partly because it had not lost its nerve and principally because of the manner in which the propertied classes had rallied round'. Brown, Ph.D., p. 173.

⁶⁷ The night of the fourth of August 1789 was the event when the noble and clerical deputies to the French National Assembly had given up their privileges at the stroke of a pen.

⁶⁸ It had been commonplace among 'enlightened' French aristocrats in the late eighteenth century, to meet in political discussion clubs and converse on matters such as the absurdity of the privileges they themselves enjoyed – hardly the best exercise for building morale.

the British elite remained intact, and was bolstered by the fact that the men in charge of government – Pitt, Dundas and the other ministers – never themselves wavered, or lost their nerve.⁶⁹

Frank O’Gorman has argued that the government’s response to the domestic challenge – or ‘Pitt’s repressive policy’ as he named it – took on several different forms and functioned on different levels.⁷⁰ Particularly in the early phases of the period, O’Gorman argued, the government was ‘anxious to utilise existing disciplinary mechanisms as strongly as possible’, which in practice meant giving instructions to magistrates and other local officials on how they should act in order to counter the domestic challenge.⁷¹ The contents of this policy was set out in the Royal Proclamation of 21 May 1792, and later reinforced by a more strongly worded second Royal Proclamation issued on 1 December the same year.⁷² Increasingly, however, the authorities were also prepared to ‘mobilise the legal system’ in order to prosecute leading radicals for the political offences of sedition or treason, and from 1794 onwards, the ‘use of Parliament and parliamentary enactments’ was resorted to, mainly for the purpose of clamping down on radical organisations.⁷³ This repressive legislation consisted of a series of acts which were either suspending, or restricting ‘liberties’ traditionally secured under the British constitution. In 1794 the government secured the suspension of the *Habeas Corpus* and its Scottish equivalent the ‘Act anent Wrongous Imprisonment’;⁷⁴ in 1795 Parliament passed the two so-

⁶⁹ Frank O’Gorman has argued that there was never a ‘vacuum of authority’ in Britain, for which the main reason was that ‘In Britain, unlike France, the ruling elite did not lose its unity either before or after 1789’. Frank O’Gorman, *The Long Eighteenth Century: British Political and Social History 1688-1832* (London, 1997), pp. 270-71. On this issue, see also: Linda Colley, *Britons: Forging the Nation 1707-1837* (London, 1996), pp. 191-207 [particularly, p. 206].

⁷⁰ Frank O’Gorman, ‘Pitt and the “Tory” Reaction to the French Revolution 1789-1815’, in *Britain and the French Revolution 1789-1815*, ed., H. T. Dickinson (London, 1989), p. 30.

⁷¹ *Ibid.*

⁷² The first proclamation had merely ‘urged magistrates to be watchful of seditious literature and its authors and to stamp out riot and agitation’, which, in O’Gorman’s opinion, amounted to ‘little more than a useful means of rallying, and to some extent measuring, public opinion’. The second proclamation was therefore an ‘obvious admission’ that the first had not been effectual. O’Gorman, ‘Pitt and the “Tory” Reaction’, pp. 30-1.

⁷³ *Ibid.*, pp. 32-3.

⁷⁴ *Habeas Corpus* was suspended for two periods during the wars against Revolutionary France, from May 1794 to July 1795 and April 1798 to March 1801, see: Clive Emsley, ‘An aspect of Pitt’s “Terror”: prosecutions for sedition during the 1790s’, in *Social History*, 4 (1982), 175. On the suspension of the ‘Act anent Wrongous Imprisonment’, see: NAS, Rattray of Craighall Muniments GD385/22, R. Dundas to James Clerk, Esq. Sheriff Depute, London, 23 May 1794.

called ‘Gagging Acts’, the Treasonable and Seditious Practices Act and the Seditious Meetings Act,⁷⁵ in 1797 the Unlawful Oaths Act outlawed secret organisations, and in 1798, ‘A Newspaper Act established a system of registration which would facilitate the prosecution of printers and publishers believed guilty of sedition’.⁷⁶ Furthermore, the two Combination Acts of 1799 and 1800 aimed to halt the emerging organisation of labour, by banning ‘combinations’ of workers.⁷⁷ Formidable as this legislation undoubtedly looked on paper, it was a weapon rarely used (this was particularly the case with the gagging acts), and in practice, it was the policy of giving guidelines and instructions to local government representatives, together with the use of the law courts, which made up the two main pillars of central government’s strategy. The political trials of the 1790s are dealt with in a separate chapter, and the focus of this chapter must therefore be on the first of the two.⁷⁸

Dundas’s own strategy for countering the radical threat – of which most was implemented – consisted of a combination of reactive and proactive measures, which can be summed up in seven main points. Radical societies were to be spied upon, and for this purpose the government hired a number of informants to infiltrate and report on the activities of the radical societies, subsidies would be provided for mass printing of loyalist pamphlets and ‘guidance’ would be given to newspapers. The Clergy of the established churches would be placed under pressure to preach loyalty to their congregations, some of the most unpopular taxes were to be removed, the government was to organise meetings of loyalists in Edinburgh (which would then be copied across Scotland, it was believed), and finally the Scottish sheriffs and magistrates were ‘to gather evidence on publishers and of those distributing seditious writings’.⁷⁹ Dundas did not attempt to push through all of these measures at once, and with respect to some of them – most notably the repeal of taxes and support for

⁷⁵ O’Gorman, ‘Pitt and the “Tory” Reaction’, p. 32; Ian R. Christie, *Stress and Stability in late Eighteenth-Century Britain: Reflections on the British Avoidance of Revolution* (Oxford, 1984), pp. 49-50.

⁷⁶ Malcolm I. Thomis and Peter Holt, *Threats of Revolution in Britain 1789-1832* (London, 1977), p. 16. See also: Eric J. Evans, *The Forging of the Modern State: Early Industrial Britain 1783-1870* (London, 1996), p. 78.

⁷⁷ O’Gorman, ‘Pitt and the “Tory” Reaction’, pp. 32-3; and Thomis and Holt, *Threats of Revolution*, p. 16.

⁷⁸ See: chapter 3.

⁷⁹ Brown, Ph.D., pp. 169-71. See also: Christopher A Whatley, *Scottish Society 1707-1830: Beyond Jacobitism, towards industrialisation* (Manchester, 2000), p. 304.

loyalist organisations – he did not obtain the immediate support of the cabinet. Moreover, it is possible to divide these measures into reactive and proactive policies, and we will address the reactive policies first.

i) Reactive policies

A certain degree of caution can be detected in Dundas's approach immediately after the King's birthday riot in Edinburgh in 1792, and before he had been to Scotland to inspect the state of the country himself. In a letter to the sheriff of Edinburgh sent in mid-June, he emphasised that 'the Civil power should exert itself to the utmost, and that the interference of the military should on all occasions if possible be dispensed with'.⁸⁰ It was only in cases where the civil authorities on their own would be 'absolutely ineffectual', that military force should be resorted to, and he proceeded to outline and stress the importance of the job the civil magistrates were expected to do:

As I wish to acquire every possible Degree of information of the real cause of these unwarrantable commotions as well as of the Mischief mediated by the Insurgents I must desire you to be very particular in your enquiries, and as soon as it can be done to transmit to me as minute and circumstantial an Account thereof as you may be able to collect in order that any measures may be taken thereupon which may on a consideration of the Subject appear to be expedient.⁸¹

The 'measures' which would be deemed 'expedient' were largely set out in a letter to Thomas Elder sent the same day, where Dundas stressed the need for 'the speedy trial and punishment of such of the Ringleaders as are now in custody', mainly for the purpose of acting as an example and deterrent to people, so that similar 'tumultuous and unjustifiable proceedings' as had recently taken place could be avoided for the future.⁸² Although Dundas had recommended caution in the use of military force, he also sent a letter to Lord Adam Gordon, underlining the need to keep troops on the alert so that 'ready assistance' could be provided for the civil authorities if that should be required.⁸³ In just three letters, following shortly after the first major riot, Dundas had thus set out all the central guidelines for the policies

⁸⁰ NAS, RH2/4/218, pp. 94-5, Henry Dundas to 'the Sheriff of Edinburgh', Whitehall, 15 June 1792.

⁸¹ *Ibid.*

⁸² *Ibid.*, pp. 96-7, Henry Dundas to 'the Lord Provost' [Thomas Elder?], Whitehall, 15 June 1792.

⁸³ *Ibid.*, pp. 97-8, Henry Dundas to Lord Adam Gordon, Whitehall, 15 June 1792.

which were subsequently adhered to with unflinching consistency and confidence throughout the 1790s. The local authorities were to seek as much information about radicals and the discontented as they could possibly procure, and transmit this to the central authorities without delay. This would hopefully make it possible to launch a pre-emptive strike where unrest was in the making, but if that failed, the authorities were not to attempt large-scale arrests – as this would require the backing of a considerable military force – but rather seek out and seize the ringleaders, who would consequently be put on trial.

Dundas continued to stress the importance of apprehending ringleaders also during the Ross-shire riots and, in a letter to the Lord Advocate, he underlined the good effects that taking the leaders to trial would produce, since ‘it must serve to convince the lower class of people that they will not be suffered to commit such acts of violence with impunity’.⁸⁴ By now, however, he also showed more readiness to use troops to quell the disturbances – as his letter to the Lord Advocate on 9 August demonstrated – and to ensure that potential trouble spots had a sufficient military presence.⁸⁵ In a letter to Lord Adam Gordon he expressed his concern about the state of Edinburgh, and pointed out that: ‘It may possibly appear to Your Lordship to be indiscreet to leave that place entirely destitute of Military protection’. If the Commander in Chief should find it necessary, troops from ‘South Britain’ could be despatched on ‘the shortest notice’, Dundas assured him.⁸⁶ The importance of having troops ready to be deployed in the event that it should be deemed necessary for securing or restoring peace and order was further emphasised in connection with the Inverness riot of May 1793. Dundas instructed Gordon to ‘give every possible assistance, so far as the force under Your command will admit to the Civil Magistrate in the execution of his duty’.⁸⁷ No further instructions specifically aimed at Scottish officials appear to have been sent out during the rioting in the autumn of 1792, but the renewed proclamation against seditious writings issued on 1 December did underline how ‘the Circulation and Dispersion’ of such writings had ‘lately been

⁸⁴ NAS, RH2/4/218, p. 103, Henry Dundas to the Lord Advocate, Whitehall, 21 August 1792. See also: *Ibid.*, p. 104, Henry Dundas to General Leslie, Whitehall, 21 August 1792 [similar to above].

⁸⁵ See above, p. 47.

⁸⁶ *Ibid.*, pp. 101-2, Henry Dundas to Lord Adam Gordon, Whitehall, 9 August 1792.

⁸⁷ *Ibid.*, pp. 115-16, Henry Dundas to Lord Adam Gordon, Whitehall, 2 May 1793.

renewed with much Activity in different Parts of the Kingdom', and that 'His Majesty's Magistrates & Civil Officers throughout his Kingdom of Great Britain' were expected to 'make diligent Enquiries respecting all such wicked and seditious Writings' within their respective jurisdictions.⁸⁸

Judging from his correspondence, Dundas seems to have been largely satisfied with the conduct of the government's local representatives in Scotland. In a letter to Archibald Fraser of Ross-shire, for example, he wrote that: 'The immediate suppression of these dangerous proceedings can only be attributed to the spirited conduct of yourself, and the rest of the Gentlemen of property in that part of the Country which certainly has done you considerable Credit'.⁸⁹ Similar praise was awarded to the Edinburgh authorities after the King's birthday riots, when Dundas thought that the sheriff of the city had conducted himself with 'a discretion & firmness becoming the important situation which you so properly fill'.⁹⁰ Nevertheless, when the government decided to introduce a completely new layer of government in Scotland by appointing lords lieutenant and deputies lieutenant on the English model in 1794,⁹¹ part of the reason for doing so may well have been a dissatisfaction with how the existing structure of local government had performed during the crisis of 1792-93.⁹²

Ostensibly the purpose of this new arrangement was the 'preservation of internal tranquillity', as Henry Dundas wrote in a circular letter to the newly appointed Scottish lords lieutenant and high sheriffs on 14 May 1794, but his instructions bore all the hallmarks of being an attempt at creating a clearer and more efficient structure of command.⁹³ The lords lieutenant would be in control of the use of those fencible regiments which were in the process of being raised; they would

⁸⁸ *Ibid.*, pp. 112-13, Henry Dundas to 'Sir' [circular letter], Edinburgh, 1 December 1792.

⁸⁹ *Ibid.*, pp. 104-5, Henry Dundas to Archibald Fraser, Whitehall, 6 September 1792.

⁹⁰ *Ibid.*, pp. 94-5.

⁹¹ The lord lieutenant – assisted by deputy lieutenants – was the 'dominant figure in local government' at the county level in England and Wales. O'Gorman, *Long Eighteenth Century*, p. 136.

⁹² Another reason was the need to prepare the Scottish local government for the introduction of a militia force on the English model, but the government may also have wished to streamline the local administration of Britain, by bringing the Scottish more in line with that of England and Wales. On the militia issue, see: chapter 4, p. 168.

⁹³ NAS, RH2/4/76, ff. 26-34, 'Circular to the lords lieutenant of Counties in Scotland, by H. D.', Whitehall, 14 May 1794; or NAS, RH2/4/218, pp. 126-32, Henry Dundas to the Lords Lieutenant of the Counties of Scotland, Whitehall, 23 May 1794 [same letter].

organise local voluntary defence forces;⁹⁴ appoint depute lieutenants from individuals who were ‘known to be attached to His Majesty’s Person and Government and to the principles of our happy Constitution’; and decide whether they thought it advisable to arm those loyal inhabitants who should step forward to assist the civil authorities in the ‘suppression of Riots and ... illegal and tumultuous meetings’.⁹⁵ The lords lieutenant were to be unequivocally in charge of local government, and directly answerable to the Home Office, thereby creating a ‘a regular and direct link’ between London and the localities.⁹⁶ That there was a certain degree of urgency about this measure is evident from another circular letter Dundas wrote shortly after. This time he stressed that there was:

much anxiety that the Lieutenants of the Counties should immediately enter upon the discharge of the duties to which they are appointed as it is certainly essential in the present moment that no want of attention to the Peace and Security of the Country be felt in any part of the Kingdom.⁹⁷

It seems clear then, that in a situation where the country had gone to war whilst at the same time still facing a domestic challenge to the political regime, the old Scottish local administration was no longer seen to be sufficient.⁹⁸

William Pitt’s government went through a major overhaul, and received a considerable strengthening of its parliamentary position in 1794, when the opposition split into two factions with the Portland Whigs crossing the floor and joining the administration. A central part of the political deal which was brokered was that the Duke of Portland would become Home Secretary at the cost of Dundas losing his cabinet post. Dundas was shocked and appalled at this decision by the Prime Minister, and threatened to resign from the government, but was eventually persuaded to stay on in the newly created office of Secretary for War.⁹⁹ Dramatic

⁹⁴ For a discussion of the raising of voluntary defence forces, see: chapter 4, sections III and IV.

⁹⁵ NAS, RH2/4/76, ff. 26-34, and ff. 193-94, ‘Draught Commission to the Lord Provost of Edinburgh, In the Lord Advocates of 1 August 1794’.

⁹⁶ Brown, Ph.D., p. 352.

⁹⁷ NAS, RH2/4/218, p. 137, Circular to the Lords Lieutenant of Counties in Scotland from Henry Dundas, Whitehall 31 May 1794.

⁹⁸ For a complete list of the Scottish lords lieutenant appointed in 1794, see: Appendix: A.

⁹⁹ Pitt was himself unable to persuade Dundas remain in the government, and in the end, it was only the King’s personal and earnest request that made Dundas change his mind. See, for example: Clive Emsley, *British Society and the French Wars 1793-1815* (London, 1979), pp. 23-4.

though the changeover of the office had been, the implications for the government of Scotland were not equally significant. Dundas continued as Scottish manager, controlling most government patronage in Scotland and managing Scottish elections, without this appearing to have caused friction with Portland. Although Dundas was 'critical of Portland's tenure of the Home Office', there seems to have been little profound disagreement between the two over policy, and they remained friendly.¹⁰⁰ But while there was no marked change in the overall government strategy, there undoubtedly *was* a change in tone and approach. Portland probably took less of a genuine interest in Scotland as Home Secretary than Dundas had done, and continued to do, which had the consequence that he was more prepared to hand out instructions and orders without consulting anyone in Scotland beforehand, and less inclined to adjust government policy according to specific Scottish needs and requests.

The first major problem of a specifically Scottish nature that Portland faced as Home Secretary was the second mutiny in the Breadalbane Fencible Regiment in November 1794, and his handling of this incident provides a clear example of the new 'hard-line' approach he took on Scottish affairs.¹⁰¹ Writing to the Lord Advocate in the beginning of December he stressed the need to take 'prompt and vigorous measures ... for securing the Ringleaders and enforcing obedience from the rest', and pointed out that 'The Remedy to the Evil in question would be much facilitated by a speedy removal of the most objectionable Regiments ... into some Parts of England which, I trust, Circumstances may permit of'.¹⁰² Two days later he emphasised the need to bring all available military force into Glasgow to defeat the mutiny, and expressed his hope that 'a speedy trial and punishment of the principal offenders, with the Removal of the Regiment' would render a complete disbanding of it unnecessary.¹⁰³ Given the difficulty with which some of the earlier Fencible mutinies had been brought to an end, this approach was undoubtedly tough and potentially

¹⁰⁰ Brown, Ph.D., p. 183. As David Brown has argued, 'It does not seem that Portland or Dundas particularly disagreed about how to cope with the political and economic problems cast up in Scotland by the war'. *Ibid.*, p. 184. Moreover, 'in Scottish matters, Portland would generally defer to Dundas'. Brown, 'Government of Scotland', *History*, 83 (1998), 273.

¹⁰¹ The mutiny took place while the Breadalbane Regiment was stationed in Glasgow for the purpose of securing peace and quiet in the city. For more detail on the fencible mutinies, see: chapter 4, section II.

¹⁰² NAS, RH2/4/219, pp. 233-34, Portland to the Lord Advocate, Whitehall, 6 December 1794.

¹⁰³ *Ibid.*, pp. 234-35, Portland to the Lord Advocate, Whitehall, 8 December 1794.

risky, but Robert Dundas and John Dunlop followed the instructions they had been given, and shortly afterwards the majority of the mutineers surrendered. Once Portland had received information that the mutiny was in the process of being settled, he replied by expressing his satisfaction of the way in which the disagreeable affair had been handled, but his approval was stated in very measured terms: 'The conduct which has been pursued on this unpleasant occasion', he wrote to John Dunlop, 'appears to have been in all respects perfectly prudent, and such as is best calculated to bring the Offenders to Justice'.¹⁰⁴ To Robert Dundas he stressed that 'There cannot be the shadow of a doubt' that the handling of the mutiny had been conducted in an 'extremely proper' manner, 'and such as the necessity of the case strongly called for'.¹⁰⁵ He was also pleased with the policy adopted by the Lord Advocate of 'instantaneous Trials of the Mutineers on the Spot, or at Edinburgh'.¹⁰⁶ Portland had been in no doubt about the seriousness of the mutiny, which, 'had it not been timely quelled, might have been productive of Serious Evils'.¹⁰⁷ Yet, precisely because the situation had been so grave, he was not entirely pleased with the speed and efficiency whereby information had been brought to his attention. He made this very clear in a letter to John Dunlop, where he lamented that, although 'Very full information of the circumstances attending this unpleasant affair has been regularly transmitted to me by the Lord Advocate', it was 'undoubtedly desirable in all cases, that on the first appearance of disturbance, an acct. of it should be sent, without loss of time, from the Chief Magistrate of the Place to the Secretary of State'.¹⁰⁸ There was, in other words, no need to go via the Lord Advocate when providing London with information.¹⁰⁹ In giving this instruction as a guideline for the future conduct of affairs, Portland was adopting a different line from that which had been adhered to by Henry Dundas when he held the office of Home Secretary. Dundas had kept in close touch and

¹⁰⁴ *Ibid.*, pp. 236-37, Portland to John Dunlop Esq. Provost of Glasgow, Whitehall. 12 December 1794.

¹⁰⁵ *Ibid.*, p. 249, Portland to the Lord Advocate of Scotland, Whitehall, 20 December 1794.

¹⁰⁶ *Ibid.*, p. 245.

¹⁰⁷ *Ibid.*, 244-45, Portland to John Dunlop Esq., Whitehall, 18 December 1794.

¹⁰⁸ *Ibid.*, 236-37.

¹⁰⁹ Portland made the same point to the Duke of Hamilton during the Militia riots in 1797, when he wrote that 'any circumstances of importance' in the county of Lanark, where the Duke was lord lieutenant, ought to be communicated 'directly to me at my office in Whitehall'. NAS, RH2/4/221, pp. 300-3, Portland to the Duke of Hamilton, Bulstrode, Sunday 3 September 1797.

frequent correspondence with his nephew Robert Dundas, expecting the Lord Advocate to provide him with updated information on Scottish affairs and ready to implement the instructions he would transmit from London. The Lord Advocate thus took on the role of 'sub-minister' for Scotland, leaving him effectively in charge of the day-to-day running of the government of Scotland.¹¹⁰ This was convenient for Dundas, who, from 1792 onwards, had to focus the bulk of his energies on government business in London, and for that reason was unable to spend as much time on Scottish matters as he had done earlier. David Brown has argued that Robert Dundas continued to fill this role also after Portland became Home Secretary, acting as 'a major channel of information' on Scottish affairs, and thus 'forming the main link between the centre and the Scottish localities'.¹¹¹ Yet, Portland's comments to John Dunlop indicates that he was not entirely satisfied with the efficiency of this particularly Scottish system, and that he was prepared to alter it according to his own preferences. The overall government strategy, however, remained the same for the rest of the decade.

In 1796, for example – following a food riot in Dumfries, where a 'body of People' had 'seized a considerable quantity of Oatmeal' which was due for shipment to Liverpool, and sold it at reduced price at the market – Portland found it 'needless to point out to you the evil consequences which must arise from such proceedings'. He instructed the local authorities to 'take the most effectual means for guarding against similar outrages', and to enforce the 'Act for securing the free circulation of Grain'.¹¹² The continued belief that disturbances were caused by radicals sowing discontent was demonstrated in Portland's response when the Dingwall Volunteer Corps had been involved in some 'disorderly and riotous proceedings' in April 1796. The reason was immediately held to be the alarm 'some few artful and ill intentioned Persons' had created amongst the Volunteers encouraging them to 'Acts of Outrage', rather than any 'premeditated malice on the part of the Men'.¹¹³ Decisive action was to be taken in June 1797 to 'put an immediate stop to' the 'alarming Emigration from

¹¹⁰ Brown, Ph.D., pp. 24-5. For an account of the office of sub-minister in Scotland before Robert Dundas became Lord Advocate, see: Murdoch, *People Above*, pp. 12-15.

¹¹¹ Brown, Ph. D., p. 352.

¹¹² NAS, RH2/4/220, pp. 45-6, Portland to Provost of Dumfries, Whitehall, 21 March 1796.

¹¹³ *Ibid.*, pp. 54-5, Portland to [?] Mackenzie, Whitehall, 21 April 1796.

the rebellious Counties in the North of Ireland, to Port Patrick' in Scotland, which had been going on for some time by then.¹¹⁴ The Irish 'immigrants' were suspected of involvement in clandestine activities, and the Lord Advocate was instructed to make sure that all 'Irishmen as can not give good account of themselves' were 'sent back to Ireland without loss of time'.¹¹⁵ By late June, Robert Dundas could assure the authorities in London that 'no person of a suspicious character ... will be permitted in future to pass from Ireland into this Country'.¹¹⁶ The report of some 'riotous proceedings' in Edinburgh in May 1800 was met with the by now familiar response of making an example of those of the rioters who had been apprehended, as this was perceived to be of 'the utmost importance with a view to prevent a repetition of such Outrages',¹¹⁷ and following 'some disturbances' which had taken place in Renfrew, Ayr and 'the City of Glasgow & its neighbourhood' in November the same year, Portland once more found it necessary to outline the key elements of the government's strategy to Robert Dundas (who by then must have been very well acquainted with all of them).¹¹⁸ The only occasion when Portland re-adapted government strategy according to the demands of the situation was when the Militia riots erupted in late August 1797. This time he *did* listen to advice from below, and

¹¹⁴ *Ibid.*, p. 233, Charles Grenville to the Lord Advocate, Whitehall, 15 June 1797 [Grenville was writing on behalf of Portland]. On the instructions of the Duke of Portland, Robert Dundas had been monitoring this 'immigration' of suspicious individuals in December 1796 and January 1797, but had then 'withdrawn the Persons stationed at Portpatrick whose duty called them elsewhere, and the expence of whose attendance was considerable', and the surveillance was only re-instated again in May 1797, when the problem appears to have intensified. NAS, RH2/4/80, ff. 67-8, R. Dundas to J. King Esq., Salisbury Street, 9 May 1797. See also: *ibid.*, ff. 62-3, Charles Grenville to the Lord Advocate, Whitehall, 9 May 1797; and *ibid.*, f. 74, 'In the Lord Advocates of 9 May 1797. Report respecting Passengers from Ireland to Portpatrick in Scotland from 4 December 1796 to 26 January 1797'.

¹¹⁵ NAS, RH2/4/220, p. 233. The authorities were not likely to have become less concerned about this issue, when it was discovered shortly afterwards that 'some Irishmen' had purchased 'a large Magazine of Gunpowder at Greenock'. *Ibid.*, pp. 236-37, Charles Grenville to the Lord Advocate, Whitehall, 19 June 1797.

¹¹⁶ NAS, RH2/4/80, ff. 108-9, R. Dundas to Charles Grenville Esq., Edinburgh, 21 June 1797.

¹¹⁷ NAS, RH2/4/222, pp. 72-3, Portland to the Lord Provost of Edinburgh, Whitehall, 9 May 1800.

¹¹⁸ *Ibid.*, pp. 95-6, Portland to The Lord Advocate, Whitehall, 6 November 1800. Portland's instructions were:

It is of the utmost importance, in all cases of popular disturbance, that the Civil Power should, in it's very outset, interpose it's authority, with promptitude and firmness, for the preservation of the publick Peace; and whenever that authority is disregarded, it is no less expedient that military assistance should be immediately resorted to, and that force should be repelled by force, the moment it becomes necessary. *Ibid.*

instructed all the lords lieutenant to implement the policy which had been recommended by a few central government officials in Scotland.¹¹⁹

ii) Proactive policies

The government's strategy for countering the radical challenge through more positive means, in essence amounted to an attempt at out-competing the radicals on their own turf. By appealing to the loyalty of the people at large, and inviting them to support the existing political regime, the authorities hoped to rally the nation behind the government and its cause. This proactive policy was largely the same for the whole of Great Britain – there were few specifically Scottish initiatives in this respect – and it can therefore be outlined more briefly than the reactive policies.

The Pitt administration's strategy for rallying the support of the people behind the government and the war effort consisted of three main elements. Support for a counterpropaganda campaign was to be provided in order to halt the influence of seditious literature, attempts were to be made at either encouraging or pressurising the clergy of the established churches into preaching loyalty to their congregations and support was to be given to loyalist associations.¹²⁰ The need for the first of these elements – a campaign to stem the spread of radical ideas through the dissemination of conservative counterpropaganda – became apparent after the issuing of the Royal Proclamation against seditious writings in May 1792 had created an unprecedented interest in radical literature, and pressing when the second volume of Paine's *Rights of Man* appeared in a cheap edition in the late summer of 1792, and the book quickly sold in large numbers.¹²¹ While it is not known that the government actually hired people to produce counterpropaganda, nor that there ever was an 'over-arching government scheme to orchestrate an ideological campaign', the authorities certainly encouraged its production by subsidising the printing of loyalist literature, thereby

¹¹⁹ The authorities firmly believed that the riots were due to 'misrepresentations' of the Militia Act, and the suggestion put forward by a few lords lieutenant was to put up posters explaining the Act in detail in all public places, as well as to insert articles to the same effect in the Scottish newspapers, and Portland followed this advice, see: chapter 4, pp. 194-95.

¹²⁰ See: Brown, Ph.D., pp. 169-71.

¹²¹ Brims, Ph. D., p. 225.

making it affordable to the general public.¹²² It may be difficult to determine which had the greater impact on people's minds – radical or loyalist propaganda – but the government undoubtedly won the battle of circulation. Although *Rights of Man* sold in huge numbers, it came nowhere near the circulation of Hannah More's loyalist *Cheap Repository Tracts* – which enjoyed a government subsidy – and in more general terms, it is clear that the sheer quantity of conservative propaganda produced and circulated from 1792 onwards, went far beyond anything the radical societies were able to achieve.¹²³ Although there were many who offered, not just to write, but also to print and distribute loyalist propaganda without any kind of remuneration from either the government or loyalist associations, it would be unreasonable to think that government support and financial subsidies played no role in this success.¹²⁴

The clergy of the established churches – both in Scotland and in England – was overwhelmingly conservative and needed little encouragement to support the government.¹²⁵ In the case of Scotland, it was clear that also the Episcopal and Roman Catholic churches were supportive of the existing political regime, and it was only the Seceding churches which were viewed as somewhat 'suspect' by the authorities.¹²⁶ The support of the clergy was undoubtedly a tremendous asset for the government, since the local minister met with the whole congregation once a week to give his sermon on the Sabbath, and few if any, public officials had a similar

¹²² H. T. Dickinson, 'Popular Conservatism and Militant Loyalism', in *Britain and the French Revolution 1789-1815*, ed., H. T. Dickinson (Basingstoke, 1989), p. 120. Some loyalist pamphlets were printed entirely at the government's expense and given away for free.

¹²³ H. T. Dickinson, *The Politics of the People in Eighteenth-Century Britain* (Basingstoke, 1994), pp. 272-73, 275. Whereas approximately 200 000 copies are estimated to have been sold of the *Rights of Man*, the *Cheap Repository Tracts* was sold in more than 2 million copies between 1795 and 1798, Dickinson, *Politics of the People*, p. 242 [*Rights of Man*]; and Dickinson, 'Popular Conservatism', p. 111 [*Cheap Repository Tracts*].

¹²⁴ Dickinson, 'Popular Conservatism', p. 120.

¹²⁵ Dickinson, *Politics of the People*, p. 273.

¹²⁶ David Brown has argued that there is 'clear evidence that seceding clergy took a loyalist stance ... but the body as a whole remained suspect', while Emma Vincent has stated that although the Seceders basically followed the 'conservative line of the Church of Scotland', they were 'on the whole less loyal to the administration than were ministers of the Kirk'. John Brims, by contrast, has stressed that a number of seceding ministers supported reform, and that a few of them also attended the national conventions of the Scottish Friends of the People in 1792 and 1793, although he admitted that 'the Secession provided two of the most able conservative pamphleteers of the period in John Young ... and Alexander Shanks'. Brown, Ph.D., p. 398; Emma Vincent, 'The Responses of the Scottish Churchmen to the French Revolution, 1789-1802', *Scottish Historical Review*, 73 (1994), 208-9; and John Brims, 'The Covenanting Tradition and Scottish Radicalism in the 1790s', in *Covenant, Charter, and Party: Traditions of revolt and protest in modern Scottish History*, ed., Terry Brotherstone (Aberdeen, 1989), pp. 51-2. See also: Brown, Ph.D., pp. 169-70, 397.

opportunity to address and influence people in his locality. The possibility of using the already loyal clergy for government propaganda purposes, by providing them with guidelines on which political issues to address in their sermons and what precisely to say about them, must have been evident and seemed very tempting to the central authorities, because in November 1795, a direct government instruction to the clergy was published in the Scottish press. In a letter to the 'MINISTERS AND PREACHERS OF THE CHURCH OF SCOTLAND; AND THE CLERGY OF THE EPISCOPAL COMMUNION', emanating from the Council Office in Whitehall, the following instructions were given:

THE Lords of his Majesty's Most Honourable Privy Council having been pleased in order; That every Minister and Preacher, as well of the Established Church, in that part of Great Britain called Scotland, as those of the Episcopal communion, ... put up their Prayers and Thanksgivings to Almighty God, for his late merciful preservation of the King's Majesty, from the daring attempts against his Royal Person, as he passed to communicate in such manner that due obedience may be paid thereto immediately.¹²⁷

The most important aspect of the government's proactive policies, however, was its approach to popular loyalism and the forming of loyalist associations, and on this issue its attitude was somewhat ambivalent. On the one hand, the authorities unquestionably appreciated the support of the general public, and if loyalist associations could help to rally the people behind the government's cause, rather than that of the radicals, then they clearly represented an asset to be reckoned with. Popular enthusiasm for the existing political establishment was also too positive a phenomenon not to be appreciated at a time when the ruling elite believed sedition to be lurking in every corner of the country. Nevertheless, the authorities were not too insistent on endorsing widespread forming of loyal societies, and particularly not if these societies attracted a lower class audience. Behind this apparent contradiction lay a careful assessment of the situation.

It was not *only* because of the political message they were spreading among ordinary people, that the members of the ruling elite were so concerned about the activities of well-educated radicals in Britain. The very fact that they were educating

¹²⁷ *Caledonian Mercury*, 21 Nov. 1795 [original capitals].

people about political issues in any shape or form, and creating an interest in politics among people at large, was bad enough. Ideally, the governing classes of Britain would have preferred ordinary people to have stayed away from politics, remained deferential to their social superiors, and concentrated their energy on hard work. Moreover, if the loyalist associations were able to attract a large membership, they might become too self-confident for the liking of the elite, and perhaps begin to develop ideas about their own 'rights' or importance. Essentially, loyalist associations were only desirable as long as they focussed their attention on defeating radicalism, and did not become more than moderately successful.¹²⁸

In the autumn of 1792, however, the government received an increasing number of proposals for the forming of loyalist associations. Both William Pitt and Henry Dundas were sceptical about the whole concept of supporting popular organisations of this sort, and Pitt had even contemplated introducing legislation to the effect of preventing all kinds of political meetings, but in the end they both came down in favour of supporting *one* loyalist association.¹²⁹ This was John Reeves's 'Association for the Preservation of Liberty and Property against Republicans and Levellers' (APLP), founded on 20 November 1792, and also known as the 'Crown and Anchor' association, from the name of the London tavern in which the inaugural meeting had taken place.¹³⁰ The actual forming of Reeves's organisation has been the subject of a long-standing debate among historians, where the disputed problem has been whether Reeves took the initiative to form the Crown and Anchor association independently of the government, or whether it was formed at the instruction and behest of Pitt and his Cabinet.¹³¹ This discussion has recently been brought to a

¹²⁸ For a discussion of the government's attitude to loyalist associations, see: Michael Duffy, 'William Pitt and the Origins of the Loyalist Association Movement of 1792', *Historical Journal*, 39 (1996), 943-62.

¹²⁹ *Ibid.*, 952-54.

¹³⁰ Dickinson, *Politics of the People*, p. 281, Dickinson, 'Popular Conservatism', p. 114; and Duffy, 'Loyalist Association Movement', *HJ*, 39 (1996), 944.

¹³¹ Further contributions to the debate have been made by: H. T. Dickinson, 'Popular Loyalism in Britain in the 1790s', in *The Transformation of Political Culture: England and Germany in the Late Eighteenth Century*, ed., Eckhart Hellmuth, (Oxford, 1990), pp. 503-33; Robert R. Dozier, *For King, Constitution, and Country: The English Loyalists and the French Revolution*, (Lexington, KY, 1983), pp. 58-9; David Eastwood, 'Patriotism in the English state in the 1790s', in *The French Revolution and British Popular Politics*, ed., Mark Philp (Cambridge, 1991), pp. 146-68; Donald E. Ginter, 'The Loyalist Association Movement of 1792-93 and British Public Opinion', *Historical Journal*, 9 (1966), 179-90; and Austin Mitchell, 'The Association Movement of 1792-3', *Historical Journal*, 4 (1961), 56-77.

provisional conclusion through the discoveries made by Michael Duffy. According to Duffy's findings, no hard evidence can be produced to support a claim that the ministry had either 'prior knowledge' of the intended formation of Reeves's association, or that it was in any way involved in the actual instituting of the organisation. When Reeves conducted the inaugural meeting on 20 November, he did so without the backing of the government.¹³² Nevertheless, the authorities were involved in the subsequent development of the association. Faced with several nascent loyalist organisations, the government appears to have concluded that the Crown and Anchor society offered the alternative best suited to its preferences, and thus decided to throw its weight behind that association at the cost of others. Although the movement remained outside of the government's direct control, it was not outside its influence, and the backing Reeves received from the authorities was undoubtedly a crucial factor in its rise to become the dominating loyalist association. The APLP certainly enjoyed advantages such as government subsidies in the form of free advertisement space in government newspapers and free use of the Post Office for the distribution of its material.¹³³ The final evidence, however, that the government did in the end trust the loyalist associations was the decision to authorise the raising of armed volunteer corps in March 1794.¹³⁴ Those who had showed their loyalty were now given the opportunity of, not only organising in support of the government, but also of carrying arms in defence of the state.

IV

Interaction between central and local government

The government of Scotland in the 1790s was not, however, merely a matter of anxiety expressed from below and firm instructions given from above. A certain degree of interaction also took place, with examples of local officials taking initiatives to solve problems, or refusing to comply with instructions they had been given. Initiatives from below were normally appreciated and often integrated in the government's overall strategy. Henry Dundas, for example, had praised the way the

¹³² Duffy, 'Loyalist Association Movement', *HJ*, 39 (1996), 947.

¹³³ *Ibid.*, 953-54, 957-58.

¹³⁴ Dickinson, 'Popular Conservatism', p. 117; and Dickinson, *Politics of the People*, p. 282.

local public officials and proprietors had handled the Ross-shire riot in its earliest phases, when they had to act without guidance from the central authorities. Portland had expressed his satisfaction with the Lord Advocate's policy of bringing fencible mutineers to trial 'on the Spot', and the idea of explaining the Militia Act had been adopted as the general policy during the riots of 1797. In some cases, however, the central authorities were not as appreciative of the initiatives taken by local officials. Occasionally the local authorities quite simply missed the target, and consequently received corrections from London. Such an incident occurred in the wake of a disturbance in Banff in June 1792, where the crowds involved in the riot had burnt an effigy. The local magistrates had proceeded to arrest the maker of the effigy although he had not been involved in the actual disturbance. As it turned out a certain 'Mr. Leith' had been the 'by far most active person in raising the tumult', and for that reason – Dundas pointed out – 'it could have been wished that instead of the maker of the Effigy, Mr. Leith had been taken into Custody' and punished 'in order to deter other people from following his example'. Since no other charge could be produced against the arrested man than the making of an effigy, Dundas recommended that he be released 'as soon as possible'.¹³⁵ In other cases the central authorities thought the initiatives presented by local officials unnecessary. During the Ross-shire riot, Dundas had declined a request for the issuing arms to the proprietors in the area on the grounds that 'such a discretion is not conceived to be at all necessary' as long as there was a military presence in the area.¹³⁶ These episodes were, however, concerned with fairly minor disputes, and do not come up among the more serious disagreements which arose from time to time.

In January 1793, Robert Dundas asked his uncle's advice on a suggestion which had been put forward by the government spy Robert Watt, concerning the correspondence of a certain James Wylie, a merchant in Perth, who Watt claimed to be 'the most Revolutioner in Scotland'. Wylie was believed to be 'engaged in a foreign correspondence with France', and Watt had thought it a good idea to open all his correspondence at the Post office, both letters he had sent and those he was due to

¹³⁵ NAS, RH2/4/218, pp. 98-9, Henry Dundas to the Earl of Fife, Whitehall, 20 June 1792.

¹³⁶ *Ibid.*, pp. 104-5, Henry Dundas to Archibald Fraser, Whitehall, 6 September 1792.

receive from abroad.¹³⁷ It is not clear how Dundas responded to this specific request, but a similar suggestion from John Orr in Glasgow a month later was met with a stern rebuke. Dundas stated that the magistrates were not 'to take any steps whatever with regard to the stoppage of letters at the Post Office', and indeed, he stressed that 'a subject of this kind shall not even be talked of'.¹³⁸ One year later the same issue re-surfaced and, by now, Dundas seems to have become more favourably disposed towards a policy of intercepting the correspondence of radicals, but it was still not to be undertaken without the prior approval of the central authorities. In a letter to John Campbell of Greenock, he wrote that: 'Though I cannot but commend the motives by which you have been led to open and transmit to me the Letters in question, yet I feel it a matter of public duty to disapprove in the strongest manner of such an extraordinary and unjustifiable proceeding'.¹³⁹ If Campbell had reason to believe that the letters contained any 'treasonable or seditious matters', Dundas stressed, the appropriate procedure would have been to submit them to the Postmaster General, or detain them until further instructions had been given.¹⁴⁰ A somewhat different example of local initiatives occurred during the Militia riots of 1797. Many local officials were threatened with violence by crowds of angry people when they tried to implement the Act, and some of them were also physically assaulted or had their property attacked.¹⁴¹ Placed under this kind of pressure, several lords lieutenant adapted government policy to what they thought best under the circumstances, or were quite simply unable to carry through the provisions of the Act. The Duke of Hamilton, for example, reported to the Home Secretary that because of the opposition to the Militia Act in the County of Lanark, where he was lord lieutenant, he had decided to suspend the execution of the Act 'until additional Instructions are

¹³⁷ NAS, RH2/4/68, ff. 148-49, Robert Dundas to Henry Dundas [?], Edinburgh, 13 January 1793.

¹³⁸ NAS, RH2/4/69, ff. 333-34, John Orr Esq. to Robert Dundas, Glasgow, 16 February 1793 [Robert Dundas had forwarded the letter to Evan Nepean at the Home Office, and Dundas's reply is enclosed with Orr's original letter].

¹³⁹ NAS, RH2/4/218, p. 136, Henry Dundas to John Campbell Esq. Greenock, Whitehall, 27 May 1794.

¹⁴⁰ *Ibid.* For a similar case where the rules were adhered to, see: NAS, RH2/4/76, ff. 69, Thomas Elder to Henry Dundas, Edinburgh, 27 May 1794.

¹⁴¹ See chapter 4, pp. 172-84.

given by Government'.¹⁴² Portland did not approve of this initiative, and in his reply he stressed that 'any steps which appear to have a tendency to concession must encourage the deluded people to persist in their resistance to this Act', and it was therefore essential that it should be 'completely & speedily executed'.¹⁴³ Sometimes, however, local magistrates would simply refuse to comply with government instructions if they thought that local interests were being compromised. This was occasionally the case in coastal areas when press gangs appeared, since the Impressment Service – although authorised by the government – was deeply unpopular with most people.¹⁴⁴ In early February 1795, Captain Oliver of the Royal Navy sloop HMS *Hazard* complained about the lack of cooperation he had received from the local magistrates of Campeltown, when he had attempted to 'procure' some 'idle People ... for His Majesty's Service'. Although Oliver had written to Mr. Porter, the provost of the town beforehand – as the regulations required of officers in the Impressment Service – Porter had absconded from the town when the *Hazard* arrived, and there was not much help to be had from the other local officials either. When Oliver had applied to one of the local bailies to assist him, the bailie had instead roused 'a great Mob' consisting mainly of women, who proceeded to arrest the impressment party, and the local authorities had then refused to release the sailors until Oliver gave up four men he had managed to secure for service.¹⁴⁵ At first sight the magistrates of Campbeltown appeared to be in an indefensible position, but the investigation which was subsequently launched into the event did not produce a favourable verdict on Captain Oliver. Its conclusion was that Lieutenant Hunt – the leader of the impress party – had acted without the necessary civil authority, and that the local officials had therefore been in their right to obstruct the press gang. Robert

¹⁴² NAS, RH2/4/80, ff. 230-31, the Duke of Hamilton to the Duke of Portland, Hamilton House, 29 August 1797. A similar decision had been reached by the Duke of Atholl, Lord Lieutenant of Perthshire, the same day. *Ibid.*, 240-41, Atholl to Robert Dundas, Blair, 29 August 1797.

¹⁴³ NAS, RH2/4/221, pp. 300-3. In Ross-shire in 1799, four constables were even put in prison 'for refusing to carry out orders relating to the Militia'. J. R. Western, 'The Formation of the Scottish Militia in 1797', *Scottish Historical Review*, 34 (1955), 7.

¹⁴⁴ For a discussion of the Impressment Service and naval recruitment in general, see: chapter 4, pp. 145-47.

¹⁴⁵ NAS, RH2/4/78, f. 39, Extract of a Letter from Capt. R. D. Oliver of His Majesty's Sloop *Hazard* to Mr. Stephens, Campbeltown, 5 February 1795. Oliver found the conduct of the authorities in Campbeltown particularly deplorable since, 'no place has furnished so few Seamen for the Service this war as Campbeltown & the other Ports of the Clyde'.

Dundas, who had been in charge of the investigation, concluded that ‘some degree of Blame is to be imputed to the Officer and his Party’ from acting ‘without the knowledge and assistance of the Civil Magistrates’, and that ‘no farther notice’ should ‘therefore be taken of the matter’.¹⁴⁶ In Greenock, however, the local magistrates had no such excuse to rely on when they came under scrutiny in March 1795. According to a report by ‘Rear Admiral Pringle’, who had visited the town, ‘the Impress Service is very much crippled and obstructed in the neighbourhood of Greenock, in consequence of all countenance and protection being withheld from it, by the Magistrates in that quarter’. Upon learning of this, Portland wrote to the local lord lieutenant, William McDowell, ‘to request’ of him, that he would:

immediately and seriously represent to the Magistrates in this neighbourhood of Greenock of what importance it is ... that they should not decline to give all the assistance which they are by Law enabled to do, in aid of the Impress Service, as a necessary measure, and which has for its object the safety and welfare of the Publick at large’.¹⁴⁷

Roger Stewart, one of the magistrates, later defended his decision not to sign impress warrants on the grounds that he considered ‘such warrants as a dangerous [and] inefficient expedient’, and that ‘surely the Magistrates of a Town may be allowed certain discretionary latitude as being the best qualified to judge of local prejudices’.¹⁴⁸ It would be far better, Stewart argued, if the magistrates could offer bounties to volunteers instead, but his views do not appear to have been endorsed by the central authorities.¹⁴⁹ The wording of his letter seems to indicate that Stewart was aware that his actions had not been entirely legitimate, but in other cases concerning different issues, government officials in Scotland stood firm when arguing against government measures.

¹⁴⁶ *Ibid.*, ff. 182-84, Robert Dundas to the Duke of Portland, Edinburgh, 22 June 1795. For his investigation, Robert Dundas collected a total of 13 declarations from people who had been involved in the incident. See: NAS, RH2/4/78, ff. 186-215, Declarations on HMS *Hazard* and Campbeltown, ‘in the Lord Advocate’s of the 22d of June 1795’. For a more comprehensive discussion of the Campbeltown-event, see: Kenneth Logue, *Popular Disturbances in Scotland, 1780-1815* (Edinburgh, 1979), pp. 121-3.

¹⁴⁷ NAS, RH2/4/219, p. 303, Portland to William McDowell, Whitehall, 23 March 1795.

¹⁴⁸ NAS, RH2/4/78, ff. 97-8, Roger Stewart to William McDowall Esq. M. P., Greenock, 7 April 1795.

¹⁴⁹ *Ibid.*; and *ibid.*, f. 95, William McDowall to ‘My Lord’ [Duke of Portland], London, 20 April 1795. [Stewart’s letter to McDowall was a defence of his actions following criticism from Portland.]

On 23 January 1798, the Duke of Portland had sent out a circular letter to all the lords lieutenant of Scotland, informing them that the government had decided to limit the service of the volunteer corps to one day a week – as opposed to the two days set out in the original provisions for volunteer forces – and that the pay of the volunteers was to be reduced accordingly.¹⁵⁰ Portland's circular letter was met with instant and near universal opposition from the lords lieutenant in Scotland. First to reply was the Duke of Atholl in Perthshire, who wrote back to the Home Office on 25 January stating that 'As His Majesty's Lieutenant of a large and Populous County and well acquainted with the Inhabitants of It', he would have wished to have been consulted about the measure beforehand.¹⁵¹ The attitude among volunteers in Perthshire was rather one in favour of *extending* their service to three days a week, Atholl pointed out, which meant that a reduction to one day would have an adverse effect on the spirit the men. Some of the volunteer companies were also so fresh that they 'require to be called out more than once in the Week', in order to reach a proper level of training.¹⁵² William McDowall of Renfrew also stressed his concern over the adverse effects the reduction of pay could have on the morale of the Volunteers, which, in his opinion, had 'contributed more to check these dangerous principles of new fashioned liberty equality & democracy in Scotland than all the acts of parliament which have been passed'.¹⁵³ The Duke of Montrose, 'as Commanding Officer of the Volunteers in Stirling', found reason to express his 'regret' at the recent decision since he feared that it would 'damp that spirit which has hitherto prevailed, & which has been productive of such good consequences, particularly in Scotland'. He also thought that it would lead to a reduction in the size of the force and 'be attended with general bad effects' if it was to be implemented. The Earl of Fife responded by urging 'His Majesty's ministers' to reconsider the measure, which he found to be an odd way of repaying the loyalty of the Volunteers, many of whom had 'put themselves to very considerable expence which have never been allowed, by

¹⁵⁰ Portland's circular letter does not survive, but the government instructions can be ascertained from the subsequent correspondence between him and the lords lieutenant.

¹⁵¹ NAS, RH2/4/83, ff. 59-60, the Duke of Atholl to the Duke of Portland, London, 25 January 1798.

¹⁵² *Ibid.* Similar views were expressed by William McDowell of Renfrew, the Duke of Montrose and the Earl of Fife, all lords lieutenant, see: *ibid.*, ff. 61, 63, 65.

¹⁵³ *Ibid.*, f. 61, William McDowall to 'My Lord', Newts Hotel, 26 January 1798.

Government',¹⁵⁴ while James Brodie, the lord lieutenant of Nairnshire, pointed out that the issue of pay was of importance to the Nairnshire Corps, because 'As most of them are tradesmen & small Farmers, the two Shillings a week is [of] some consideration to Them'.¹⁵⁵ Brodie believed that the pay had 'reconciled Them to their new Profession' and allowed the officers to keep them in 'subordination & Discipline'. Should one day's pay be taken away, chances were that the Volunteers would be 'little better than a Mob with Arms in their hands', and, in short: what was the purpose of a scheme which would have 'highly Dispiriting' consequences, and only produce 'trifling' savings?¹⁵⁶

Portland's initial response to the reaction from Scotland was a complete rejection of the complaints that had been put forward. In a letter to Montrose, he wrote that for a measure: 'which applies without distinction to every Volunteer Corps in Great Britain, it is quite unnecessary for me to trouble you upon the impolicy or rather impossibility of making any exceptions in favour of particular counties or Corps'.¹⁵⁷ The decision was to be adhered to by all the lords lieutenant in Britain, and although the Volunteers would have their pay reduced, there was nothing to 'prevent them from exercising as much and as often as they please'.¹⁵⁸ The dispute did not end with Portland's renewed instructions, however. James Brodie expressed his discontent with the Home Secretary's reply,¹⁵⁹ and even the Duke of Buccleuch now aired his concerns. Buccleuch focussed his reply on the good spirit of the Volunteers in his county, on how 'anxious' they were to have more practice and on their readiness 'to keep the peace of the Country, and ... to oppose the foreign Enemy'. Given all these favourable circumstances, Buccleuch wondered, 'Will it ... be worth while for so trifling a Saving to risk raising discontent and ill-humour

¹⁵⁴ *Ibid.*, f. 65, Fife to the Duke of Portland, Fife House, 27 January 1798.

¹⁵⁵ *Ibid.*, f. 67, James Brodie, Lieut. Nairnshire to the Duke of Portland, Brodiehouse by Forres, 30 January 1798.

¹⁵⁶ *Ibid.*

¹⁵⁷ NAS, RH2/4/221, pp. 401-3, Portland to the Duke of Montrose, Whitehall, 27 January 1798. Similar letters were sent to the other lords lieutenant, see: *ibid.*, pp. 403-5, to Atholl, 27 January; pp. 405-7, to Fife, 31 January; pp. 407-9, to McDowall, 31 January; and pp. 409-10, to Brodie, 7 February.

¹⁵⁸ *Ibid.*, p. 402.

¹⁵⁹ NAS, RH2/4/83, f. 159, James Brodie Lieut. Nairnshire to the Duke of Portland, Brodiehouse by Forres, 19 February 1798. Brodie wrote that 'I must acquiesce tho most reluctantly'.

among the Volunteers at this Moment?’¹⁶⁰ Again Portland’s reply was unfavourable. Far from being a ‘trifling saving’, he argued, the proposed reduction in pay would amount to no less than ‘about £ 250 000 annually’, and he could see no reason why a measure ‘which has been acquiesced in, with only one Individual exception, in every County in South Britain’, should not be implemented in Scotland as well.¹⁶¹ By now, however, also Robert Dundas had found it necessary to express his deep concern about the proposal,¹⁶² and shortly after Portland wrote his letter to Buccleuch, Henry Dundas stepped in and gave contrary instructions. In a letter which was probably sent to the Lord Advocate, Dundas wrote:

I believe it will be absolutely necessary for your Grace to write to the Lord Lieutenants in Scotland without delay to authorise them, to take no further steps for taking the Shilling a week from the volunteers till further orders. By letters I have received from different quarters, I perceive that they conceive it to be Breach of faith to them; and will resign their Commissions [?]. If that should go to any length, We shall be left in Scotland for a long time without any Military Defence whatever except the few regular Regiments and the Volunteer Corps consisting of gentlemen only, which forms a very small proportion indeed of our present defence.¹⁶³

Dundas’s intervention appears to have secured an exemption for Scotland from the order, since no further complaints or instructions were put forward.

The disagreements which existed over some aspect of government strategy notwithstanding, as well as the confusion and anxiety which marked the Scottish ruling elite in 1792 and 1793 in particular, and the stresses of war from February 1793 onwards; the government of Scotland under Henry Dundas’s leadership came through the period remarkably unscathed. The perhaps best gauge of this success was

¹⁶⁰ *Ibid.*, ff. 71-3, the Duke of Buccleuch to the Duke of Portland, Dalkeith house, 4 February 1798.

¹⁶¹ NAS, RH2/4/221, pp. 412-14, Portland to the Duke of Buccleuch, Whitehall, 10 February 1798.

¹⁶² NAS, RH2/4/83, ff. 126-29, Robert Dundas to the Duke of Portland, Edinburgh, 10 February 1798. In a letter to William McDowell, Robert Dundas wrote that unless the order for reducing the pay of Volunteers was suspended, ‘I am afraid we shall have something worse than Militia Riots’. *ibid.*, ff. 144-45, Robert Dundas to Wm McDowell, Edinburgh, Saturday.

¹⁶³ *Ibid.*, ff. 140-41, Henry Dundas to ‘My Dear Lord’, [?] Place, 12 February 1798. For letters addressing the issue of an alleged ‘breach of faith’ or ‘contract’ on behalf of the authorities, see: *ibid.*, ff. 150-51, Lt. Col. Alex Murray to the Duke of Portland, Edinburgh, 12 February 1798; and f. 154, ‘Memorial for Captain Arthur Gibbon commanding the Battery Company of Aberdeen Volunteers’, Aberdeen, 10 February 1798 [presented to Portland by the Duke of Gordon in a letter dated: 12 February 1798 (f. 152).].

the general election of 1796. Before the election Dundas had boasted that if he ‘exerted’ himself, he ‘might be able to prevent the return of any one member for Scotland, hostile to Government’, and his prediction came very near to fulfilment.¹⁶⁴ When the election results were clear, only two out of the 45 MPs returned for Scotland were not government men, and all of the 16 peers came from the King’s list.¹⁶⁵ It was the greatest triumph of Dundas’s career as Scottish manager, and it came at one of the most difficult periods of the war, when a French attempt at invading the British Isles was looking increasingly likely, and the country was suffering from a disastrous harvest failure the year before.¹⁶⁶ Yet, in his early biography of Dundas, Holden Furber argued that the 1796 election represented not only the greatest triumph of Dundas’s career, but also its peak, and that his political ‘interest’ in Scotland declined gradually thereafter eventually to become a mere ‘shadow of its former self’.¹⁶⁷ Whereas it is uncontested that the 1796 election was Dundas’s greatest success in terms of the number of government supporters returned for Scotland, more recent research by David Brown has led him to question the notion of a subsequent decline of the Dundas interest. In Brown’s view, Dundas’s grip on the management of Scotland remained intact for the rest of the decade

¹⁶⁴ Brown, Ph.D., p. 218. Brown’s source was: NAS, Melville, GD51/17/69, Henry Dundas to Lord Hobart, 6 June 1796.

¹⁶⁵ *Ibid.*, pp. 218-21; Brown, ‘Government of Scotland’, p. 273; Fry, *Dundas*, pp. 201-3; and Fry, *Patronage*, p. 15. See also: NAS, RH2/4/79, f. 201, ‘State of the Votes at the Election of the Sixteen Scots Peers 30 June 1796’. In the Union agreement of 1707, Scotland had been allocated 45 MPs and 16 ‘representative’ peers in the new ‘British’ parliament at Westminster. The 16 peers were ‘representative’ in the sense that they were to be elected at the time of a general election, from and by those Scottish noblemen who qualified for a seat in the House of Lords. This provision in the Union settlement was a novelty as far as the workings of the Westminster Parliament were concerned, since it meant that the Scots nobility was allocated *fewer* seats in the Upper House than there were families which qualified for one, leaving them in the position of having to compete for a seat every time a general election was called. By comparison, the aristocratic families in England all held a seat in the Upper House. See: Brown, Ph.D., p. 19; Furber, *Dundas*, p. 175; Meikle, *Scotland*, pp. 12-13; and Riley, *English Ministers*, p. 31. David Brown has estimated that the peerage electorate in the 1780s consisted of 86 families with Scottish titles as well as about a dozen Scottish peers holding Irish or British titles (the latter only had their right to vote confirmed by a ruling in the House of Lord on 23 May 1793). Brown, Ph.D., pp. 6, 196. With only 45 MPs in the House of Commons Scotland was also ‘grossly under-represented’ in the lower chamber. Fry, *Patronage and Principle*, p. 7.

¹⁶⁶ David Brown has called it ‘a triumph for management’. Brown, Ph.D., p. 198.

¹⁶⁷ Furber, *Dundas*, pp. 266, 268. The concept of a political ‘interest’ has been defined by David Brown as ‘a group of individuals working together to advance or protect their own influence’. The interest was ‘the basic unit for county politics’ and was a word which ‘had a general application throughout the eighteenth century British politics’. Brown, Ph.D., pp. 9-10.

supported by the ‘two main buttresses of the Pitt government’s influence in Scotland’, the ‘fear of insurrection from within, and of invasion from without’.¹⁶⁸

V *Pitt’s ‘Reign of Terror’?*

The policies pursued by the government in the 1790s have often been referred to as ‘repressive’, and a debate has been waged among a number of historians of the eighteenth century over whether these policies amounted to a Pitt’s ‘Reign of Terror’ – if not equal to that of France – at least in clear breach of traditional ‘British liberties’.¹⁶⁹ The main positions can be outlined briefly.

Clive Emsley has been the main proponent for playing down the notion of a reign of terror. In his view, the ‘repressive’ legislation did not amount to the appropriation of any ‘new or arbitrary power’ on the behalf of Pitt’s administration, nor was it ever the government’s intention to ‘change the rules of the game’. The suspension of the *Habeas Corpus*, for example, was only intended to be a temporary measure, aimed at strengthening the authorities’ hand in their attempt to safeguard the rule of law and the British constitution from the threat posed by domestic Jacobinism.¹⁷⁰ Frank O’Gorman has also emphasised the temporary nature of the legislation which was implemented – the Seditious Meetings Act, for example, was passed for a duration of three years only – and has argued that ‘although the government was prepared to take draconian measures to discipline domestic radicalism, it was not prepared to endanger the constitution in so doing’. Pitt intended no ‘permanent change’ in the nature of the constitution.¹⁷¹ Malcolm J. Thomis and Peter Holt on the other hand, have stressed that ‘it was the government that was chiefly responsible for confusing reform with revolution’, and that the consequence of this confusion was ‘the creation of revolutionaries where none had

¹⁶⁸ *Ibid.*, pp. 418-19.

¹⁶⁹ The notion that Britain was experiencing a Reign of Terror equivalent to that which marked the French Republic from 1792 to 1795 was a contemporary idea, first put forward by Charles James Fox. Emsley, ‘Pitt’s “Terror”’, 155.

¹⁷⁰ *Ibid.*, 175. See also: Emsley, *British Society*, p. 48.

¹⁷¹ O’Gorman, ‘Pitt and the “Tory” Reaction’, p. 33 [original italics].

previously been'.¹⁷² By branding all reformers as potential revolutionaries who aimed at the overthrow of the state, and prosecuting political radicals for the crimes of sedition and treason, the government was not only guilty of gross, deliberate and unfair exaggeration, but was also driving the reform movement underground and thereby forcing many reformers to adopt more extreme policies than they otherwise would have done.¹⁷³ Although some of the measures implemented were justified at a time of war, Thomis and Holt admit, the Pitt administration nevertheless sought to 'make political capital out of conspiracy scares, not only to intimidate the extra-parliamentary opposition but also to split the opposition within parliament'.¹⁷⁴ Whatever its aims, the government must clearly have faced a dilemma, because, by implementing its repressive policies, Pitt's administration was effectually setting aside some of those very principles it claimed to be defending. This course of action could be defended on the grounds that it was only an emergency expedient aimed at stopping those individuals and organisations the authorities believed were conspiring for an overturn of the British constitution. The state was fighting for its survival, and in the process of doing so, it could legitimately suspend some of those restrictions it would normally operate under, in order to defeat those who were working for its demise.¹⁷⁵ The validity of such an argument, however, would depend on whether the authorities *genuinely* believed there to have been a real threat of revolution in Britain – that the alleged threat to the constitution was not merely an excuse for clamping down on a noisy, but harmless group of political radicals as Thomis and Holt indicated – but it can also be tested by assessing the attitudes the more senior politicians held towards the use of such extraordinary measures, as well as the rule of law in a more general sense.¹⁷⁶ Whereas it is beyond the scope of this chapter to address this issue for Britain as a whole, a few points must be made about the

¹⁷² Malcolm I. Thomis and Peter Holt, *Threats of Revolution in Britain 1789-1848* (London, 1977), p. 2.

¹⁷³ *Ibid.*, pp. 9, 12, 16-17.

¹⁷⁴ *Ibid.*, p. 16.

¹⁷⁵ The 'enemies' of the British state were, of course, not believed to be adhering to the principles of the British constitution.

¹⁷⁶ According to Frank O'Gorman: 'There can be no doubt ... that Pitt believed that the nation was *or could be*, endangered if radical groups were left to agitate without hindrance'. O'Gorman, 'Pitt and the "Tory" Reaction', p. 35 [original italics].

situation in Scotland, and more specifically on how the Scottish authorities viewed their own policies.

Central government figures such as Henry and Robert Dundas were aware of the importance of retaining the confidence of the public. The authorities had to be *seen* to act in accordance with the rule of law, as well as to be honouring its promises and obligations. This latter point was emphasised during the fencible riots in 1794, when it was feared that the decision to send troops by sea to England could be perceived by the soldiers as a 'breach of faith' or a violation of their contract.¹⁷⁷ Lieutenant Colonel John Woodford of the 6th or Northern Regiment of Fencibles, for example, urged the authorities to let his Highlanders march to England rather than sail, since there was such a 'strong Aversion & Suspicion' among the men about going on board a ship, and because he feared that 'an Embarkation would be attended, with unpleasant Circumstances, & should any thing unfortunate happen on the Voyage, all future Confidence might be lost'.¹⁷⁸ The central authorities were not oblivious to concerns of the kind Woodford put forward, as was demonstrated so adamantly by Dundas's final instructions to suspend the reduction of pay to Volunteer forces in 1798. A similar focus on retaining the government's confidence with the public can be seen in the preparations for political trials. As the head of the Crown prosecution in Scotland, it was the Lord Advocate's responsibility to gather evidence and build a case against those who had been arrested for rioting or seditious activities, and in most cases, Robert Dundas was concerned to make sure that he had what he believed to be a solid case, based on a thorough investigation and sufficient evidence to ensure conviction. In June 1793, he wrote to his uncle about a dilemma he was facing over whether he should bring to trial a few individuals who had been apprehended following a riot in Inverness earlier the same year. Since sufficient evidence had been secured to make conviction a strong possibility, it would of course be 'proper', Robert Dundas wrote, to bring these offenders to trial. The problem was, however, that the sheriff and magistrates of Inverness had 'prevailed on the rioters to

¹⁷⁷ For a discussion of the riots and their causes, see: chapter 4, pp. 147-53.

¹⁷⁸ NAS, RH2/4/75, f. 269, Lt. Col. John Woodford of the 6th Fencibles to General Lord Adam Gordon, Edinburgh Castle, 13 March 1794. A similar point was made by Lt. Col. Cochrane Johnstone commanding Col. Fullarton's regiment of Light Dragoons. NAS, RH2/4/76, ff. 89-90, 'Copy Letter Lt Colonel A. Cochrane Johnstone to Lord Adam Gordon, Kilmarnock, 12 June 1794'.

disperse, on an assurance that if they did so, no further notice would be taken of their conduct'. Although he disapproved of this decision by the Inverness authorities, Robert Dundas doubted the 'Expediency' of now bringing these individuals to trial, on the grounds that it might subject the magistrates to the 'imputation of a Breach of Faith, which may hurt their usefulness & authority on any future occasion'. He therefore recommended that 'no further notice be taken of these outrages'.¹⁷⁹

In more extreme cases, however, the leading government men *were* prepared to make their own political interests and considerations take precedence over the law. When – in Robert Dundas's words – 'swarms' of Irishmen were coming across to Scotland from Northern Ireland in the summer of 1797, and the authorities were deeply concerned about the potential influence these immigrants could have on the population of western Scotland, strict rules were set aside in order to deal with the problem as effectively as possible. In a letter to John King at the Home Office, the Lord Advocate reported that we 'have sent back as many, indeed more Persons, than in strict law we are authorised to do. But we must not stop at trifles'.¹⁸⁰ An analogous example can be found in the aftermath of the Tranent riot, the most serious of the Militia disturbances in 1797.¹⁸¹ Shortly after the riot, the authorities had considered prosecuting those of the dragoons who had been involved in the killing of innocent bystanders following the dispersal of the rioting crowd. The responsibility of opening a prosecution rested with Robert Dundas as the Lord Advocate of Scotland, and initially, he was not favourably disposed towards the idea. On 5 September he made the assessment that: 'The military must do their duty when called upon, and it is impossible for them, in such circumstances, to discriminate the innocent from the guilty. If innocent blood is shed, it rests on the head of the authors and abettors of those lawless outrages'.¹⁸² Later in the year, Robert Dundas admitted that some of those who had been attacked by the dragoons well outside of Tranent had been

¹⁷⁹ NAS, RH2/4/71, ff. 349-50, Robert Dundas to Henry Dundas, Edinburgh, 25 July 1793. Similarly, before the trials of Skirving, Margarot, Gerrald, Callander and Scott, Robert Dundas ensured his uncle that 'we have complete Evidence' against the accused. National Library of Scotland [NLS], Melville Papers, MS 1051, ff. 68-71, Robert Dundas to 'My Dear Sir' [Henry Dundas?], Edinburgh, 15 December 1793.

¹⁸⁰ NAS, RH2/4/80, ff. 130-31, Robert Dundas to John King Esq., Edinburgh, 14 July 1797. John King took over from Evan Nepean as Undersecretary of War in 1794, see: Brown, Ph.D., p. 349.

¹⁸¹ For a discussion of the riot at Tranent, see: chapter 4, pp. 178-80.

¹⁸² NAS, RH2/4/81, f. 5v, Printed notice, 'In Lord Advocates', 5 September 1797.

‘entirely innocent’ and had ‘lost their lives most unjustifiably’, and he appears to have given serious consideration to the possibility of raising charges of murder against at least a few of the responsible soldiers.¹⁸³ In the end, however, the unfortunate political implications of prosecuting military men who had been involved in the quelling of a serious riot took priority, and no legal action was taken.¹⁸⁴

The ‘repressive’ policies, however, also consisted of a more informal element than the suspension of traditional liberties through acts of parliament, or the application of the law courts to prosecute political radicals. The use of intimidation and even crude harassment of political radicals and reformers was another element of the government’s strategy for rooting out the domestic challenge to the regime, and one which was not spoken of as forthrightly or advertised as unequivocally as the emphasis on apprehending and punishing the ringleaders of disturbances or seditious activities. This policy of intimidation could take the form of agent provocateurs mixing with loyalist crowds in order to stir them up against radical arrangements or to attack the property of leading radicals;¹⁸⁵ of deliberate attempts at obstructing the professional careers of prominent reformers;¹⁸⁶ of economic sanctions levied by the ruling elite against reform groups or individual political radicals;¹⁸⁷ and of different

¹⁸³ NAS, RH2/4/82, ff. 267-70, R. Dundas to the Duke of Portland, Edinburgh, 26 December 1797.

¹⁸⁴ For a detailed discussion of the aftermath of the Tranent riot, see: Kenneth J. Logue, ‘The Tranent Militia Riot of 1797’, *Transactions of the East Lothian Antiquarian and Field Naturalists’ Society*, 14 (1974), 51-61; and Sandy Mullan, *The Tranent Massacre* (East Lothian, 1997), pp. 52-63.

¹⁸⁵ This was probably more common in England than in Scotland, since there were no ‘Church and King’ mobs north of the border and hardly any loyalist demonstrations that turned violent. Indeed, John Brims has argued that ‘intimidation was more subtle in Scotland than in England’, John Brims, *The Scottish Democratic Movement in the Age of the French Revolution*, unpublished Ph.D. thesis (University of Edinburgh, 1983), p. 373. See also: Thomis and Holt, *Threats of Revolution*, p. 23; and Emma Vincent Macleod, ‘The Influence of the French Revolution in Scotland’, in *The Auld Alliance: France and Scotland over 700 Years*, ed., James Laidlaw (Edinburgh, 1999), p. 131.

¹⁸⁶ The practice of obstructing the careers of those who showed support for reform or reform societies was particularly common in the Scottish legal profession. Henry Erskine’s dismissal as Dean of Faculty in 1796 was only the most prominent of a number of such cases. Meikle, *Scotland*, pp. 159-60; and Thomis and Holt, *Threats of Revolution*, p. 14. In 1797, Charles Hope, the Dean of the Faculty of Advocates, presented a motion to ‘expel from that Body Mr. *John Morthland*, on account of his being Editor of a Scotch Paper, the tendency of which is to alienate the affections of his Majesty’s subjects from his person and government’. *The Times*, 27 Sept 1797 [original italics].

¹⁸⁷ This kind of intimidation would often take the form of blacklisting of people who supported reform societies. The consequence could be that they had their credit stopped at the bank, or – if they were shopkeepers – that the elite would boycott their establishment and encourage everyone else to do likewise. On one occasion in early March 1793, the sister of Lord Braxfield – the Lord Justice Clerk – had discovered a parliamentary reform petition lying open for subscription in a shop she entered, whereupon she warned the shopkeeper that ‘if he continued to take in subscriptions she would

kinds of pressure being placed upon the publishers of radical newspapers or other material deemed 'seditious'.¹⁸⁸ Since any involvement in such activities on the part of the government would have been illegal – strictly speaking – it was conducted as covertly as possible. Unequivocal evidence of government involvement in such activities is therefore not abundant, but a few examples survive.

Early in December 1792, the Provost of Glasgow, Gilbert Hamilton, had exerted pressure on 'the Printer of the Gazetteer or New Daily Advertiser' to 'immediately contradict' an article he had published about a conversation Hamilton was alleged to have had with Henry Dundas in Glasgow. The article, 'every part of which was falsehood', could not be verified as Dundas had not actually been in Glasgow for years.¹⁸⁹ The same printer was already under surveillance for publishing pro-French material in his newspaper.¹⁹⁰ Later the same month, David Smyth in Edinburgh transmitted two letters containing resolutions from Perth to Henry Dundas at the behest of the Lord Advocate. The wording of these resolutions struck Smyth 'as libellous and Seditious' and he added that 'the Resolutions will probably be in the newspapers of this evening though I shall endeavour to prevent them'.¹⁹¹

By and large, however, the government tried to defeat radicalism openly and through legal means, and in this, prosecutions for sedition and treason played a dominant role. In the next chapter we will address the role played by the Scottish law courts in the political trials of the 1790s.

withdraw her own employment and that of her friends and acquaintances'. Brims, Ph.D., p. 382. See also: Meikle, *Scotland*, pp. 155-56; and Bewley, *Muir*, pp. 49-50.

¹⁸⁸ See: Brims, Ph.D., pp. 372-89; Brown, Ph.D., pp. 171-73; Dickinson, *Politics of the People*, p. 281; Meikle, *Scotland*, pp. 153-60; and Thomis and Holt, *Threats of Revolution*, pp. 14, 23.

¹⁸⁹ NAS, RH2/4/66, f. 214, Gilbert Hamilton [Lord Provost of Glasgow] to 'the Publisher of the Star', Glasgow, 5 December 1792 [Hamilton asked the printer to contradict the false story in his publication].

¹⁹⁰ *Ibid.*, f. 212, Gilbert Hamilton to Henry Dundas, Glasgow, 3 December 1792.

¹⁹¹ NAS, RH2/4/67, f. 440, David Smyth to 'Sir' [Henry Dundas?], Edinburgh, 20 December 1792.

Chapter 3

Political Trials

The second main element in the government's strategy for defeating the challenge posed by radicalism in the 1790s was the use of the legal apparatus for what were essentially political ends.¹ Prosecutions for political offences were not new in Scotland at this point, but there had been very few trials of the sort since the Act of Union, and in many respects Scots Law had not been significantly ripened by practice in this area of jurisprudence and jurisdiction over the last century. When the government decided to bring those it perceived to be domestic enemies of the state before the law courts, charged with political crimes, it was therefore entering largely uncharted territory, and the political trials would – to an extent – prove to be a double-edged sword for the authorities.

This chapter aims to discuss the content of those trials which took place in Scotland, how they were conducted, and how effective they were as a political weapon for the government; first by summarising the proceedings in the most important cases, and then by discussing their implications. A comparison will also be made to the political trials that were conducted in England in this period.

I

Trials for Sedition and Treason in Scotland, 1793-94

The first of the major trials for sedition to be held in Scotland during the 1790s was that against the advocate Thomas Muir, held on 30 and 31 August 1793.² Muir had played a central role in the setting up of the Association of the Friends of the People in Edinburgh in 1792, and he had also helped to form similar societies elsewhere. Although Muir claimed to be in favour of moderate political reform and change by

¹ The other main element was to give instructions to local government representatives, see: chapter 2, pp. 58-60.

² By 'major' trial in this context, the meaning is a trial in which the defendant was a leading radical, that attracted considerable public attention, was of importance for the development of the government's argument on political crimes, and where the defendant – if he was found guilty – was sentenced to a severe punishment. Six 'minor' sedition trials had already taken place in 1793 by the time Muir stood before the bench. For a complete list of all the political trials conducted in Scotland from 1792 until 1802, see: Appendix: B.

constitutional and peaceful means only, he had emerged as one of the more radical leaders at the first general convention of the Scottish Friends of the People, primarily because of his insistence on reading out an address from the United Irishmen.³ This was probably crucial in influencing the government's decision to view him as a dangerous radical ringleader and put him on trial.

The trial took place at the High Court of Justiciary in Edinburgh, and Robert Dundas, the Lord Advocate, led the prosecution. Five judges made up the Scottish 'bench', of whom Robert Macqueen – Lord Braxfield – held the position of Lord Justice Clerk, the presiding judge on the bench. In addition, Braxfield was by far the most dominant personality among the judges. Muir had decided to defend himself, despite having been offered the counsel of the excellent advocate Henry Erskine. This was an unusual decision, one that was generally not recommended, and many commentators have seen this as an error of judgement on Muir's part.⁴ The indictment for sedition contained four main charges: Muir was accused of 'exciting disaffection by seditious speeches' and advising the purchase and reading of 'seditious and wicked publications', of 'circulating various seditious papers' such as Paine's *Rights of Man*, and of 'reading a seditious and inflammatory writing in public, viz. the United Irishmen's address'.⁵ Again rather unusually, Muir did not challenge the relevancy of any of these charges. The normal procedure in a Scottish trial was for the defence to present a claim that the acts cited in the indictment – even if they had been committed – did not constitute the crime charged. This was known as 'challenging the relevancy of the indictment', and normally took up a considerable amount of the court's time at the opening of a trial.⁶ If the charge was found to be 'irrelevant' the trial would have to be abandoned, and it must have seemed strange, to say the least, that a trained advocate such as Muir should have missed this

³ See: chapter 1, p. 17.

⁴ See, for example: Christina Bewley, *Muir of Huntershill* (Oxford University Press, 1981), pp. 67, 70.

⁵ Bewley, *Muir*, pp. 68-9.

⁶ According to Lord Cockburn, the influential nineteenth-century advocate and judge, it had become customary to challenge the relevancy of almost any indictment by the 1790s, to an extent where the objection, in some cases was an accepted, but empty, ceremony. Lord Cockburn, *An Examination of the Trials for Sedition which have hitherto occurred in Scotland* (2 vols.; Edinburgh, 1888; New York, 1970), i, 96-7.

opportunity to have the case dismissed.⁷ The next stage of the trial was the selection of the jury. Under Scottish law the appointment of the jury for the High Court was in the hands of the judges, although based on a list of 135 names provided by the sheriffs of the three Lothian-counties, who each submitted 45 names. From this list, the Justiciary Clerk – who was appointed by the Lord Justice Clerk – chose 45, and out of this number the court then proceeded to pick 15 to sit as the jury. The defence had no right of a peremptory challenge, and the jurors could only be challenged on the basis of ‘insanity, outlawry, deafness, or dumbness’.⁸ In the trial of Muir, the bench chose only men from the list who were members of the loyalist Goldsmith’s Hall Association. This was a more than an ordinary partial choice since the Association had not only struck Muir’s name off its records, but also offered a reward for evidence of anyone circulating Thomas Paine’s works. Muir therefore objected to the selected jury on the grounds that, as members of the Goldsmith’s Hall Association, they had to be presumed to have prejudged him. The court made no attempt to counter Muir’s assertion, and simply ignored it. One of the jurors, however, a naval officer by the name of Captain John Inglis, asked to be removed from the jury because, as a ‘servant of the government’ he did not think it proper that he should try a man accused of crimes against the government.⁹ The bench dismissed his plea, on the grounds that there was no impropriety in sitting on the jury, despite being in the service of the government, and he was compelled to serve.¹⁰ The prosecution called a total of thirteen witnesses, the majority of whom did not provide much information to substantiate the prosecution’s case, presented information that reflected rather favourably upon Muir, or were just not very reliable. One of the witnesses, Alexander Johnston, a bleacher from Campsie – who had attended a meeting of weavers at which Muir had also been present – stated that Muir had called for order and regularity at the meeting and recommended the reading of political

⁷ Whether this was a deliberate tactic, or merely a matter of foolishness on the part of Muir, is an issue we will return to below.

⁸ Bewley, *Muir*, p. 70. See also: Henry W. Meikle, *Scotland and the French Revolution* (Glasgow, 1912), pp. 130-32. At the time, the three Lothian Sheriffs were all appointed by Henry Dundas.

⁹ William Cobbett, *A Complete Collection of State Trials and Proceedings for High Treason and other Crimes and Misdemeanours from the Earliest Period [1163] to the Present Time [1820]*, [hereafter: *ST*] (London, 1809-1826), vol. 23 (1817), c. 133. See also: Bewley, *Muir*, p. 70.

¹⁰ Cockburn, *Examination*, i, 151.

pamphlets in general, not just radical ones. Robert Weddell, another prosecution witness and one of the weavers at the meeting, pointed out that – when asked to give his opinion about Paine’s work – Muir had said ‘that it was foreign to their purpose’. Weddell’s point was corroborated by Henry Freeland, a weaver from Kirkintilloch, who stated that, with respect to Paine’s work, Muir had replied: ‘it had rather a tendency to mislead the weak minds’.¹¹ Weddell also thought that Muir had mentioned Flower’s book on the Constitution, just after the weavers’ meeting, and since this was a book held to be seditious by the authorities, the Lord Advocate immediately seized upon this opportunity to ask him if Muir had recommended it. To this, Muir objected, as the book had not been cited in the indictment, but Braxfield ruled the question perfectly legitimate as ‘it had a tendency to establish the charge of sedition’.¹² With most of the other witnesses providing little or no useful information, the prosecution’s case rested mainly on the testimony of Annie Fisher, a former scullery maid in the Muir household. Fisher had not attended any meeting, nor had she been a member of any society, and she could therefore not say anything about Muir’s *public* activities. Instead, she was brought in to answer questions about the recommendations of seditious books he had made in *private* – within his own family.¹³ Some of the evidence she gave was probably true, some of it was clearly not and was later contradicted by other witnesses, but it was the way in which she presented it that has attracted the most interest.¹⁴ Fisher stated that Muir frequently read French law books – the titles of which she could cite correctly for the court – and when referring to these works she used precise and scholarly terms and phrases. In addition to this she knew the exact titles of all the pamphlets Muir was accused of having circulated. This testimony was more than just a little suspicious coming from a scullery maid of little education; indicating that she was probably coached in her evidence, and may even have been bribed by the prosecution.¹⁵

¹¹ *ST*, 23, Johnston: cc. 136-38, and Weddell: cc. 138-39, Freeland: c. 142. Muir objected to Johnston as a witness because, before the trial, he had allegedly told people that he would do everything in his power to get Muir hanged.

¹² Cited in: Bewley, *Muir*, pp. 71-2. *ST*, 23, cc. 139-41.

¹³ Cockburn, *Examination*, i, 164.

¹⁴ Bewley, *Muir*, p. 73.

¹⁵ Cockburn, *Examination*, i, 165.

Muir did not cross-examine Fisher – possibly because much of what she said was true – but her evidence was not corroborated by any of the other witnesses. Instead Muir enquired of the Lord Advocate why he had not called Alexander Muir – the defendant’s uncle – who had also been cited as a prosecution witness. Robert Dundas replied that his feelings would not let him examine an uncle against his nephew, but Muir dismissed this explanation and claimed that it was really because he would have contradicted Fisher’s evidence.¹⁶ The prosecution proceeded to augment its direct evidence with indirect or circumstantial information, making references to occasions when Muir had talked favourably about French military successes or claimed that economic progress in Revolutionary France was surpassing that of Britain. The Lord Advocate barely made any effort to cross-examine Muir’s witnesses and instead concentrated on addressing the jury and reiterating the message that Muir’s intention had been to create similar anarchy and bloodshed in Britain, as at the present moment existed in France.¹⁷

Towards the end of a trial, both the prosecution and the defence were meant to give a closing speech before the jury, and since Muir had opted to defend himself, it fell upon him to speak in his own defence. Rather than giving a traditional summing up of his case, however, Muir proceeded with a three-hour long political oration in favour of political reform. This was entirely unsuitable as a legal defence, and has led some commentators to speculate whether he did this because he saw conviction as inevitable. It has been claimed that Muir suspected the authorities of merely aiming to constitute his trial as an example, but that he hoped to turn the trial to his advantage none the less, by presenting himself as champion of reform, thereby becoming a political martyr if convicted.¹⁸ Perhaps Muir thought that he would receive only a few months imprisonment – such as had been awarded in the previous sedition trials – and that this would have been a bearable price to pay for applying

¹⁶ Bewley, *Muir*, p. 73-4.

¹⁷ *Ibid.*, pp. 75-7. The Lord Advocate addressing the jury: *ST*, 23, cc. 179-186. While addressing the jury, Robert Dundas made references to Fisher’s testimony and admitted that: ‘It may be said, that the evidence of this girl Fisher is, in a trifling instance, contradicted by the elder, Barclay; but you should recollect the salvo which that old gentleman chose to introduce when he took the oath: - That did not look well’. *ST*, 23, c. 184.

¹⁸ Bewley, *Muir*, p. 77. See also: Brian D’Osborne, *BRAXFIELD: the hanging judge? Justice-Clerk Robert McQueen of Braxfield* (Glendaurel, 1997), pp. 189-90.

the trial as a lever in support of reform.¹⁹ Muir may, in other words, have been trying to counter the authorities by their own means. Since the government had decided to apply the courts of law as a political weapon, the radicals could attempt to do the same. *If* this was his plan, then the sentence he received certainly showed that he had taken more than a calculated risk.

Following Muir's speech, Braxfield commenced his summing up of the trial. In what was as political a speech as that given by Muir just before, Braxfield voiced the current conservative views, and made allusions to the state of France and the recent unrest in Scotland as aggravations of Muir's crime. He also took for granted several points which had not actually been proved and when the jury returned a unanimous verdict of guilty as charged, he congratulated them on their decision – a most unusual conduct for any judge.²⁰ Braxfield then threw it open to his fellow judges to suggest an appropriate punishment, as the law did not define a set penalty, and an agreement was reached on fourteen years transportation to Botany Bay in Australia.²¹ The jury – and probably everyone else in the courtroom – was shocked by the severity of the sentence, and resolved to prepare a petition to the court.²² The day after, however, one of the jury members – a Mr. Innes of Stow – produced a letter threatening him with assassination for concurring in the verdict of guilty, at which point the jury found it 'impossible for them to interfere'.²³ Since there was no opportunity to appeal against a ruling by the High Court of Justiciary, the sentence could not now be reversed. Muir's trial set a precedent, which was to be closely followed in the subsequent trials, and the first of these was against a clergyman by the name of Thomas Fyshe Palmer.

Palmer's trial was held before the Circuit Court of Justiciary at Perth, on 12 and 13 September 1793, which meant that neither Lord Braxfield nor the Lord Advocate took part, but the two judges on the bench – Lord Abercromby and Lord

¹⁹ Bewley, *Muir*, p. 52; and John D. Brims, 'The Scottish Democratic Movement in the Age of the French Revolution, unpublished Ph.D. thesis (University of Edinburgh, 1983), pp. 428-31, 444, 448.

²⁰ Cited in: Bewley, *Muir*, pp. 79-80. See also: *ST*, 23, cc. 229-32.

²¹ *ST*, 23, cc. 232-36.

²² In the six sedition-trials preceding that of Muir, the harshest sentence imposed was nine months imprisonment. See: *ST*, 23, No.: 588, Trial of John Morton, James Anderson and Malcolm Craig; and Cockburn, *Examination*, i, 95-108.

²³ *Ibid.*, 182.

Eskgrove – had both sat on the bench in Muir’s trial. The indictment charged Palmer with ‘seditious practices’, and it referred specifically to an allegedly seditious handbill which Palmer supposedly had ‘written or printed’ and then ‘circulated’ in Dundee.²⁴ Unlike Muir, Palmer used his opportunity to challenge the relevancy of the indictment. He first stated an objection to the indictment because of a technical mistake in the text. His counsel, Mr Haggart, argued that the person cited in the libel – one ‘Thomas Fische Palmer’ – clearly could not be him, as his name was ‘Thomas *Fyshe* Palmer’, and that the case therefore had to be abandoned. After a lengthy debate, the judges eventually dismissed the objection. Once it was evident that the trial would not be given up due to a spelling mistake in the indictment, the defence presented its other objections to the relevancy of the libel, but none of these were sustained.²⁵ Following the examination of witnesses for the crown, the chief prosecutor, Mr Burnett, proceeded to mount the crown’s case against the defendant, spending considerable time outlining the ‘seditious and inflammatory tendency’ of the handbill Palmer had printed and distributed.²⁶ The pamphlet itself had been drafted at a meeting in the Dundee Berean Meeting-house – where Palmer had been a leading figure – but the original author was one George Mealmaker, a Dundee weaver. Palmer had certainly been involved in the shaping of the final text, giving advice on alterations and terminology, but he had himself discouraged its circulation on the grounds that – at the present time – it might bring the members of the meeting into trouble with the authorities. At this he was outvoted by the meeting, and he subsequently acquiesced in the task of having the address printed and distributed.²⁷ On the point of printing and distributing the handbill, the evidence was thus quite clear. Palmer could be shown to have done both. In terms of the handbill’s content,

²⁴ *ST*, 23, cc. 237-38. For the complete indictment, see: *Ibid.*, cc. 237-42.

²⁵ *Ibid.*, 255 [my italics]. Palmer’s counsel tried to show that the indictment had not been properly and accurately ‘laid’, and that Palmer’s activities did not amount to the crime charged, to which Mr Maconochie for the prosecution argued that: ‘the whole drift of Mr. Haggart’s speech goes to attack the major proposition in the indictment, as not containing sound law’. *Ibid.*, 282.

²⁶ *Ibid.*, 334-36, Burnett argued that:

The whole paper, from beginning to end, breathes the language of sedition, and of opposition to the established government; it is written in a style which marks the school from whence it came; it is violent, hyperbolical, and declamatory; it calls upon the people to rise up and vindicate their just rights; it speaks of a just and necessary war, as being undertaken “by a wicked ministry, to forge chains for a free people, and to rivet those chains upon ourselves”.

Ibid., 335.

²⁷ See Cockburn, *Examination*, i, 194-95.

the prosecution also had a strong case to make.²⁸ The problem was to prove that Palmer had acted with seditious *intention*, and this the prosecution found more difficult. No direct evidence of this could be produced, but an argument was developed, whereby it was held that to promote universal suffrage – such as the handbill did – in itself showed seditious intention, since introducing such a measure would necessarily imply the overthrow of the existing form of government. By printing and publishing the handbill, Palmer had therefore betrayed his real intentions.²⁹ His guilt was then further aggravated, the judges argued, by the *timing* of his activities – he had attempted to stir up discontent against the government just as the unrest of the winter of 1792 had subsided – and also by the fact that he was a *clergyman*.³⁰ The defence disagreed with the claim that campaigning for universal suffrage – in itself – was seditious, but mounted its main counter-argument to the prosecution on displaying how a language similar to Palmer's had been used by 'men of unquestionable wisdom and public virtue on other occasions'.³¹ Referring to the Prime Minister William Pitt's reform programme of 1784, Mr. John Clerk, the counsel for the defence, pointed out that: 'Mr. Pitt and the Duke of Richmond were guilty of no sedition, and the same law that applied to their case does now protect Mr. Palmer. Gentlemen, there is no change in the law, but there has been a very considerable change in the views of the disapprovers of reform'.³² The summing up – which was conducted by Lord Abercromby – as well as the closing remarks made by both the two judges following the sentence of guilty, were as politically biased as anything Braxfield had stated at the end of Muir's trial and, although there was some discussion on the range of appropriate penalties, the judges again landed on transportation, this time for seven years.

After the trial of Palmer had been closed, no major trial for sedition took place in Scotland for almost half a year, until early in January 1794. In the meantime

²⁸ Even Lord Cockburn, who was generally not very favourably disposed towards the prosecution in his discussion of the trials, admitted that 'there was sedition in the paper'. *Ibid.*, 190.

²⁹ *ST*, 23, cc. 284, 294, 368. For a further discussion of the prosecution's argument on universal suffrage, see below, pp. 130-31.

³⁰ Lord Abercromby held it to be the 'peculiar duty' and 'province' of a man of his profession, 'to instruct citizens in their duty to God and to man, and not become an exciter to crimes of the most dangerous nature'. *ST*, 23, c. 372.

³¹ Cockburn, *Examination*, i, 203, 205.

³² *ST*, 23, c. 342.

the British Convention had sat in Edinburgh, and the next political trials to be staged in Scotland were against delegates at that convention. Two of the seven men who were to be tried – Scott and Callander – failed to appear in court, and a third, Browne, was never brought to trial, but the remaining four were tried.³³ William Skirving was the first to stand before the bench at the High Court of Justiciary in Edinburgh, on 6 and 7 January.

The complete minutes for both the first Edinburgh Convention and the British Convention are included in *State Trials* at the opening of the account of Skirving's trial, but it is not stated explicitly whether they were actually read out to the court, or just presented as evidence; or if they *were* read out, when exactly that occurred.³⁴ It does seem likely that they were presented orally to the court at the very beginning of the trial, however, since the prosecution made repeated references to them throughout the whole of the proceedings. Assuming that familiarising itself with the minutes came first on the court's agenda, the next stage in the process was for the Solicitor General – Mr. Blair – to present the prosecution's case. This he did while at the same time making extensive comments on the proceedings of the convention,³⁵ and it should be stressed in this context that, although the indictments for all the four delegates who were tried – Skirving, Maurice Margarot, Charles Sinclair and Joseph Gerrald – differed slightly, the charge was essentially the same in the four trials. They were all accused of having met under the 'pretence' of advocating the reform of parliament, but that their real intention had been to 'subvert' the constitution.³⁶ In Skirving's trial the Solicitor-General held the 'particular acts of sedition' – of which the prosecution intended to prove Skirving guilty – to consist of two branches. First, he was charged with having circulated and distributed a seditious libel, or more precisely, the handbill that Thomas Palmer had already been convicted of printing

³³ See: John Barrell, *Imagining the King's Death: Figurative Treason, Fantasies of Regicide 1793-1796* (Oxford, 2000), p. 157. In addition to being a member of the Convention, Alexander Scott was the printer of the *Edinburgh Gazetteer*, and was charged with having published the proceedings of the convention in his newspaper. Cockburn, *Examination*, i, 221.

³⁴ *ST*, 23, c. 391-442 [minutes], and cc. 443-71 [accounts of the proceedings of the convention published in the *Edinburgh Gazetteer*]. The editor of *ST* only stated that: 'These minutes were received as evidence on this and on the following trials, and I here insert them at full length', c. 391.

³⁵ Cockburn has argued that the Solicitor-General's opening speech, 'though professed to be only intended to *explain* the charges, was powerfully calculated to make the jury *believe* them'. Cockburn, *Examination*, i, 270 [original italics].

³⁶ Barrell, *Imagining*, p. 158.

and distributing, and this had occurred before the convention was convened. The second branch of the charge related to the proceedings of the British Convention, in which Skirving was charged with having taken ‘a very principal part’.³⁷ Skirving – who had opted to defend himself – presented three main objections to the relevancy of the indictment, of which the first two took the form of questions. His initial inquiry was whether he was to be tried for the single crime of sedition, as was stated in the major proposition, or for the ‘*crimes specified*’ as was outlined in the minor proposition.³⁸ His second objection was concerned with the trial of Palmer, where Skirving had been cited as a prosecution witness. It was his view that this disqualified him from now being tried, because ‘nothing I might then reveal, supposing I had been criminally concerned, could ever come against myself?’³⁹ Finally, Skirving objected to the way in which the British Convention had been presented in the indictment, and the fact that it was used in a trial against him as an individual. Partly, he argued, he could not be held responsible for everything that had been said and done by the delegates at the convention, when he had been indicted before the court as an individual; and partly, the prosecution had wrongfully *assumed* the British Convention to be a seditious meeting.⁴⁰

The judges simply dismissed the first and third point without spending much time explaining why, but Lord Braxfield did inquire about the second objection. He wished to know if Skirving had – not only been on the list of witnesses – but actually been called to give his testimony, since that would have prevented him from being called upon again by a criminal prosecution. The Lord Advocate could confirm that Skirving had not testified at the trial of Palmer, and the objection was consequently over-ruled and the indictment found relevant.⁴¹ Next came the selection of the jury.

³⁷ *ST*, 23, c. 485.

³⁸ *ST*, 23, c. 491 [my italics]. In Scottish criminal law the terms ‘minor-’ and ‘major proposition’ referred to the libel or indictment for the trial. The major proposition stated which crime was charged, and the minor proposition outlined the act or acts allegedly committed by the defendant and why these acts amounted to the crime that had been charged. The description of the acts and why they amounted to a specific crime could be very long and detailed, and it was normal for the court to debate the ‘relevancy’ of the minor proposition for quite some time at the beginning of a trial. This is what was referred to as the discussion of the ‘relevancy of the indictment’ above.

³⁹ *ST*, 23, c. 492.

⁴⁰ Skirving argued: ‘That the British convention, however, is a seditious and unconstitutional meeting, remains to be proved, and cannot be proved, till the legislature declare them such; or until they shall be cited, tried, and condemned according to law’. *ST*, 23, c. 497.

⁴¹ *ST*, 23, cc. 509-13.

Skirving objected to those of the chosen jurors who were members of the Goldsmith's Hall Association, on the same grounds as Muir had done earlier, but to no effect. Since a similar objection had been rejected by the court in Muir's trial, the judges could now rest their case on precedent with no need to discuss the matter any further. Skirving, however, also objected to 'all those who hold places under government; because it is a prosecution by government against me'. Anyone holding office under the government, Skirving argued, would not have the necessary impartiality to judge fairly in a trial where 'they are materially parties'. To this objection Lord Eskgrove replied that:

This gentleman's objection is, that his jury ought to consist of the convention of the Friends of the People; that every person wishing to support government is incapable of passing upon his assize. And by making this objection, the panel is avowing, that it was their purpose to overturn the government.⁴²

Eskgrove thus appeared to take the point of view that the country was divided into two camps, the friends and the enemies of the constitution, and that it was impossible to hold a neutral position. By objecting to those the prosecution saw as the 'friends' of the government, Skirving was necessarily requesting to be tried by its 'enemies', and that was untenable. The required fifteen jurors were consequently chosen without any heed being taken to Skirving's objections. His argument that they were prejudiced against him was turned around by the Lord Advocate, who, when addressing the newly constituted jury, praised them as '*prejudiced* in favour of the British constitution'.⁴³

A total of sixteen witnesses were called by the prosecution, two of them testifying on the circulation of the Dundee address, and the remaining fourteen on various aspects of Skirving's activities in connection with the convention.⁴⁴ The choice of witnesses reflected the prosecution's priorities, since, during the rest of the trial, the prosecutors focussed mainly on the proceedings of the convention. Emphasis was placed on the decision to form secret committees, and particularly on the committee of emergency and its purpose (it was questioned whether it had been

⁴² *ST*, 23, c. 513.

⁴³ *ST*, 23, c. 538 [original italics].

⁴⁴ For the complete list of names, see: *ST*, 23, cc. 514-35; or: Cockburn, *Examination*, i, 246.

established with the intention of resisting or supporting a French invasion).⁴⁵ The Lord Advocate and the Lord Justice Clerk also made much out of the fact that Skirving had been the secretary to the convention, and that this put him in a particularly responsible position with respect to the decisions reached by the assembly.⁴⁶ In his summing up of the trial the Lord Justice Clerk argued that the crime of sedition consisted of ‘violating the peace and order of society’, and that when it ‘has a tendency to overturn the constitution of this country, it borders upon high treason’. Since ‘a very little more’ than what was contained in the indictment, would have made it high treason, the jury was to view this case as sedition highly aggravated.⁴⁷ A verdict of guilty as charged was returned by the jurors, and a sentence of fourteen years transportation imposed, since the judges could not, Braxfield argued, ‘consistent with the justice of the country, pronounce a less sentence upon this panel, than we did upon Mr. Muir’.⁴⁸ Skirving only made one remark to the sentence, which was that: ‘my Lords, I know that what has been done these two days will be rejudged; - that is my comfort and all my hope’.⁴⁹

The trial of Maurice Margarot took place on 13 January 1794, and the indictment held out a charge very similar to that under which Skirving had been tried. Margarot was principally charged with having been a leading member of the convention. This amounted to the crime of sedition, the indictment stated, because the activities of the assembly had already been proved to be seditious in the trial of Skirving.⁵⁰ Of all the sedition trials held in Scotland in the 1790s, the trial of Maurice Margarot was probably the most confrontational and the one where tempers ran the highest. This was in no little degree due to the approach adopted by Margarot, who had also chosen to defend himself. At the opening of the trial, he objected to the absence of the Lord Justice *General* in the court, which he believed prevented any proceedings from taking place, and pointed out to the judges that as the Scottish trials soon ‘will undergo a revision in both Houses of Parliament in England. You already

⁴⁵ *ST*, 23, c. 555.

⁴⁶ Cockburn, *Examination*, i, 285. For example, the Lord Advocate: *ST*, 23, c. 544.

⁴⁷ *ST*, 23, c. 588.

⁴⁸ *ST*, 23, c. 601.

⁴⁹ *ST*, 23, c. 602.

⁵⁰ Cockburn, *Examination*, ii, 1.

know that there is an impeachment hanging over your heads'.⁵¹ Margarot also put forward a demand whereby he appeared to present himself as the representative of the 'new', liberal and modern Britain at an old 'feudal' Scottish Court, an attitude which must have irritated Braxfield considerably.⁵² He argued that:

I need lord justice clerk and lord Henderland's testimonies, as exculpatory evidences: I wanted to bring them upon their oaths to the bar, but though it is the privilege of an Englishman – of a Briton I mean, for I wish the name of Englishman to be annihilated in that of Briton – it is a privilege granted to us by that constitution which is so loudly trumpeted up upon every occasion, that a panel at the bar, shall have the same compulsory method of bringing his witnesses that his prosecutor has, that has been denied me.⁵³

The prosecution and the judges were not inclined to let the defendant get away with this attempt at seizing the moral high ground and the fact that he was an Englishman was repeatedly used against him. At the very end of the trial, for example, almost all the judges made a mention of Margarot's nationality, and the Lord Justice Clerk, who spoke last, stated quite dryly that:

If this country suffers any grievances, I am sure he felt none of them: he lives not in Scotland: has no property there; and, as a stranger, he comes into this country a man with a great deal of abilities and great elocution, - he comes here for the express purpose of disseminating sedition among the lower order of people in this country, I cannot consider it as any thing but sedition highly aggravated.⁵⁴

Margarot's objection was rejected, and neither of the two judges agreed to give testimony later in the trial.

The indictment was concerned – almost exclusively – with Margarot's activities at the British Convention, but it also mentioned that he had been the chosen representative at the convention of 'an association of seditious people, calling

⁵¹ *ST*, 23, c. 606. Although the High Court was 'nominally under the direction of the Lord Justice-General', this office had become a sinecure by the mid-eighteenth century, and it was not required for the person who held it to be present in court. 'In reality, the High Court was presided over by the Lord Justice-Clerk'. D'Osborne, *BRAXFIELD*, pp. 15, 73 [quotes].

⁵² Braxfield, Brian D'Osborne has argued: 'stood out ... for old ways and the old tongue of speech and manners'. He was proud of his Scottish, or 'doric' accent, as well as of the Scottish legal system, and was clearly annoyed by the arrogant and condescending attitude Margarot displayed in court. D'Osborne, *BRAXFIELD*, pp. 27, 43. See also: Brims, Ph.D., pp. 533-35.

⁵³ *ST*, 23, c. 607.

⁵⁴ *ST*, 23, c. 776.

themselves the Corresponding Society of London'. He was charged with having supported the motion for a reconvening of the convention in the event of the introduction in Britain of a Convention Bill – similar to that which had been passed in Ireland – and with presenting a plan for a 'general union and corporation' between radicals in England and Scotland. The purpose of the 'union' was allegedly that of 'exciting our subjects in England, in contempt of legal authority, to adopt the same unconstitutional conduct, which the said Maurice Margarot and his associates had presumed to follow'.⁵⁵

In Margarot's view there was no need to discuss the relevancy of the indictment, since it was not appropriate for the trial to go ahead without the Lord Justice General, but when Braxfield refused to comply with this and stated that the defendant had only one chance of challenging the relevancy, Margarot presented two objections none the less. The first was aimed at the concept and law of 'sedition' in more general terms, and the second concerned three minor misspellings in the text of the libel, in themselves sufficient, he claimed, to have the trial abandoned. The latter objection was unlikely to have any impact, since a similar objection from Palmer had been repelled in his trial. The first objection, however, was more serious. Margarot challenged the judges 'to point out the law which makes sedition a crime, and also, that which shows the punishment that is due to it'.⁵⁶ A lengthy discussion of the crime of sedition ensued, but the judges disagreed with Margarot's view, and the indictment was eventually found relevant.⁵⁷ Next came the list of witnesses. Margarot demanded to have the Duke of Richmond, Henry Dundas and the Prime Minister William Pitt brought up from England to give testimony, since, as the leaders of the government, he held them to be material witnesses in his case. This was refused by the bench, which claimed that calling up witnesses from England lay outside its jurisdiction.⁵⁸

⁵⁵ Indictment: *ST*, 23, cc. 608-14.

⁵⁶ *ST*, 23, c. 616.

⁵⁷ More or less extensive debates on the law of sedition took place in all the trials, and a discussion of these debates can be found in section III of this chapter.

⁵⁸ *ST*, 23, cc. 627-630. When the judges refused his demand, Margarot found this inconsistent since: 'it seems you overlook some things and pry very closely into others – it seems you are not competent to enforce the attendance of a witness from England, but it appears, by the libel, that you are competent to try offences committed in England'. *ST*, 23, cc. 627-628. The bench was, however, correct in stating that it had no powers to call up witnesses from England. See: Brims, Ph.D., p. 535.

The prosecution presented many of the same arguments against Margarot, as it had done against Skirving in the previous trial, focussing on the proceedings of the convention, on the forming of secret committees and on the plans for calling an emergency convention, in the event of the present assembly being broken up by the authorities (as indeed it was). Margarot, however – who was making speeches as politically loaded as those Muir had delivered in his trial – provided more resistance to the prosecution’s case than Skirving had done before him. He challenged the prosecution’s attempt at portraying it as seditious to assemble a number of people to discuss reform,⁵⁹ and towards the end of the trial – in his closing speech – he accused the prosecutor of having ‘found means to blend trials, crimes, criminals, various persons and various articles of accusation altogether’ with the intention of proving ‘a mountain of guilt, where in fact, there is not even a molehill of imprudence’.⁶⁰ The Lord Justice Clerk retorted by twice stating that Margarot’s defence speech, which had taken up four hours of the court’s time, ‘was all sedition from beginning to end’.⁶¹ Just as he had concluded his examination of the Sheriff and the Provost as part of the evidence for the defence, Margarot introduced an objection, which – had it been presented at the appropriate time during the discussion of the relevancy – could have made it difficult for the prosecution and the court to go ahead with the trial. The objection was concerned with some remarks Lord Braxfield had made at a dinner party hosted by one Mr. Rothead at Inverleith about a week before the trial.⁶² Margarot enquired of his Lordship whether it was true that – in conversation – the Lord had made comments about the defendant, and had asked the lady he was conversing with: ‘What should you think of giving him a hundred lashes, together with Botany Bay; or words to that effect’; and when the lady had replied, ‘the mob would not allow you to whip him’, he had said that ‘the mob would be the better for losing a little blood’?⁶³ If it was true that Lord Braxfield had made these comments – which it probably was – then he had clearly prejudged the trial, and that was good enough reason for having him disqualified from the bench on this particular

⁵⁹ *ST*, 23, cc. 621-22.

⁶⁰ *ST*, 23, c. 711.

⁶¹ *ST*, 23, cc. 763, 767.

⁶² Mr. Rothead frequently held dinner-parties for his friends, and both the Lord Advocate and Lord Justice Clerk were ‘established guests’. Cockburn, *Examination*, ii, 32.

⁶³ *ST*, 23, c. 672.

occasion. When Margarot decided to examine him on this issue, Braxfield was therefore in a potentially very awkward position, and resorted to asking his fellow judges if they thought it appropriate of him to answer the questions. In reality, however, he was on fairly safe ground because of Margarot's timing. If he had brought his point forward at the *outset* of the trial, Margarot could have presented it as an objection to the fitness of Braxfield to sit as a judge. By delaying it to this later stage, however, he had allowed the Lord Justice Clerk to preside unopposed, and thereby implicitly and indirectly accepted his presence on the bench. In the middle of the defence's examination of witnesses was not the appropriate stage of a trial's proceedings to make this kind of objection, and it was consequently over-ruled, on the grounds that it was irrelevant '*as a defence for the prisoner*'.⁶⁴ Margarot was found guilty, and sentenced to the same fourteen years of transportation as his fellow delegate Skirving had received.

The relatively short trial of the third British Convention-member to be tried, Charles Sinclair, took place over no fewer than four separate occasions, on 17 and 24 February and 10 and 14 March 1794. Sinclair was charged with sedition and, with the exception of a speech which he had delivered at the convention, the details and facts stated in the indictment corresponded closely with those used against Skirving and Margarot.⁶⁵ Unlike his two fellow convention-members, however, Sinclair had not opted to defend himself, and had instead employed the counsel of Henry Erskine and Archibald Fletcher. These two well-qualified defence lawyers were able to criticise the indictment far more effectively than either Skirving or Margarot had done, and the whole first session of the trial was consequently spent debating the relevancy of the charge. Their objections were mainly concerned with the presentation of the crime of sedition in the indictment. The libel was 'vague and uncertain' Fletcher argued, 'inasmuch as it had not informed the panel whether he was to be tried by the statute law, or by the common law of the land', nor did it state if it was 'real' or 'verbal' sedition which was meant to be charged. In addition to this, the indictment was also uncertain with respect to the kind of punishment that could

⁶⁴ Cockburn, *Examination*, ii, 28-32, [original italics]. See also: D'Osborne, *BRAXFIELD*, pp. 195-97.

⁶⁵ The speech was concerned with the recently passed Convention Bill in Ireland and called for the admission of 'all or any of the patriotic members of the society of united Irishmen of Dublin', to be 'admitted to speak and vote in this convention'. *ST*, 23, c. 780.

be inflicted if the panel was found guilty.⁶⁶ Whereas the objections in the previous trials had been more or less founded on political arguments, these were objections of a purely legal nature, and presented by people who knew the law. It is therefore possible that the prosecution was taken a little by surprise at this point, and the Solicitor-General appeared to be – at least initially – struggling to provide a coherent and persuasive reply. Answering Fletcher's observations he argued that: 'To give a precise definition of sedition would be difficult, perhaps impossible; but I have no hesitation in giving this definition of it, - that the act charged must be unauthorized by law, and must be done with an intention to disturb the peace of the community'.⁶⁷ The debate continued for some time, but the indictment was eventually found relevant. Instead of proceeding with the trial the court was now adjourned and the case continued until the 24th of the same month, only to be postponed another two times until 14 March, when it was abandoned. Precisely why it was decided to give up the case has been the cause of some discussion. The traditional view has been that Sinclair had struck a secret deal with the prosecution, and had agreed to become a government spy. More recent research, however, has unveiled a different possible explanation. John Barrell has discovered a statement made by Sinclair to one Amelia Anderson, who was well informed about radical politics in London. In a conversation with Anderson, Sinclair is supposed to have said that 'he was saved from conviction by the influence of his family'. In the absence of any hard evidence of Sinclair spying for the government, this seems to be the more likely explanation.⁶⁸

The last of the major sedition trials was held on 3, 10, 13 and 14 March 1794 against the fourth convention-delegate, Joseph Gerrald.⁶⁹ At the opening of the trial – before the indictment had been read – Gerrald stated the same objection to Braxfield's presence on the bench as Margarot had done in his trial. In Gerrald's

⁶⁶ *ST*, 23, cc. 784-85.

⁶⁷ *ST*, 23, c. 786.

⁶⁸ Barrell, *Imagining*, p. 157, footnote 37. Both Cockburn and Meikle supported the theory of Sinclair becoming a government spy. Meikle's source was one of Sinclair's counsels, Archibald Fletcher. See: Meikle, *Scotland*, p. 142; and Cockburn, *Examination*, ii, 40.

⁶⁹ Of all the political trials held in Scotland in the 1790s, the case of Gerrald was probably that which made the greatest impact on public opinion at the time, not least because of Gerrald's poor health, which meant that the punishment of transportation was as good as a death sentence. Gerrald's counsel, Mr. Laing presented this as a separate point in his main speech in the trial: 'From the state of his health, I must add, that a sentence of transportation is to him, in all human probability, a sentence of death'. *ST*, 23, c. 889.

opinion, Braxfield had disqualified himself from judging in this particular case, because at the dinner party he had ‘prejudged the cause of every person who had been a member of that assembly calling itself the British Convention’, by exclaiming that ‘the members of the British Convention deserved transportation for fourteen years, and even public whipping’.⁷⁰ Unlike Margarot, however, Gerrald presented his objection at the correct stage of the trial, which meant that it could not be dismissed offhand as it had been in the earlier trial. The judges, however, rallied to the defence of Braxfield and Lord Eskgrove tried to argue that since Gerrald’s *name* had not been mentioned in the conversation, the comments could not be held to have been directed against him personally. Moreover, he argued, the Lord Justice Clerk’s remarks had constituted ‘nothing more than a general opinion given upon the nature of the offence’. He then attempted to shift the focus over to Gerrald, claiming that the only motives the defendant could possibly have had for presenting this objection were ‘malevolence and desperation’. Gerrald protested that he had not come to trial to be abused in this way, but was reprimanded by Lord Henderland, who replied that he had better behave, as his lordship would ‘not suffer this court to be insulted’. Eskgrove, however, withdrew his statement, and offered an apology to Gerrald.⁷¹ The debate was closed by Lord Henderland, who commented that: ‘this respectable judge, by what is here alleged, is to be rendered incapable of sitting in this chair – to be degraded from his office, and held unfit to judge in the most important trials in this country; where his abilities, steadiness, and knowledge in the law, are most required’.⁷² To remove Braxfield from the bench was clearly not acceptable in his lordship’s view, and the objection was overruled.

The indictment was in all major respects the same as in the trials of Skirving and Margarot, but also included references to three speeches which Gerrald had

⁷⁰ *ST*, 23, c. 808.

⁷¹ *ST*, 23, c. 811.

⁷² *ST*, 23, c. 814. Lord Cockburn found this remark completely unacceptable, arguing that Gerrald’s objection had nothing to do with Braxfield’s *general* fitness to sit on the bench, as Lord Henderland’s comment seemed to imply: ‘The plea of the prisoner only went to exclude the justice from acting in *this particular trial*; and a judge may disqualify himself, by accidental rashness, from interfering in a single case, or in a single class of cases, without incurring any general disability’. Cockburn, *Examination*, ii, 58 [original italics].

given, two during the proceedings of the convention and one when it was dispersed.⁷³ All combined, this was ample proof of a seditious intention, or so the prosecution argued. The relevancy of the indictment was challenged by Mr. Gilles, one of Gerrald's counsels, in a long speech to the court. Gilles criticised the lack of a clear definition of 'sedition' in the indictment – whether it was real or verbal sedition that was meant to be charged – questioned whether it was seditious to campaign for universal suffrage and annual parliaments, and attacked the prosecution's use of circumstantial evidence, such as the fact that the country was currently at war, as an aggravation of the crime. He also repeated the argument of Pitt's previous reformist agenda, which had been presented first in the trial of Thomas Palmer, and questioned the legality of transportation under Scottish law.⁷⁴ All his objections were, however, rejected by the judges. The next stage of the trial was the selection of the jury, and Gerrald himself objected to two of the jurors, one Mr. Rankin and Mr. Creech. The objection to Rankin – that he was a tailor to the king, and therefore biased – was not persuasive, but the objection to Creech was more forceful. According to Gerrald, Creech 'had repeatedly declared in private conversations that he would condemn any member of the British Convention, if he should be called to pass on their assize', which indicated that he had prejudged the defendant. To this Lord Henderland replied that it would only have served to disqualify Creech, if he had said that he would condemn them 'whether they were guilty or not'.⁷⁵ Both objections were consequently over-ruled.

The prosecution's presentation of its case followed much the same pattern as in the two preceding trials, and once it had finished, Gerrald gave a long speech in his own defence, before the Lord Justice Clerk commenced with his summing up of the trial. Braxfield was mainly concerned with the activities of the convention, but he also made direct attacks on Gerrald, at one point holding him to be 'a very dangerous member of society', because he had 'eloquence enough to persuade the people to rise in arms'. This sparked Gerrald to protest that this was 'a very improper way of

⁷³ *Ibid.* In the first speech, Gerrald had argued that the current political system in Britain, no more resembled the Revolution-settlement of 1689, 'than a dead putrid carcase does a living body'. *ST*, 23, c. 817. For the other two speeches, see: *ST*, 23, cc. 820, 823.

⁷⁴ *ST*, 23, cc. 828-53; and Cockburn, *Examination*, ii, 60.

⁷⁵ *ST*, 23, c. 901. Cited by: Cockburn, *Examination*, ii, 69-70. See also: D'Osborne, *BRAXFIELD*, p. 199.

addressing a jury', and 'descending to personal abuse', to which comment a fierce response from Braxfield might have been expected. Instead he retreated a little, and came close to apologising when stating that 'I do not say that you did so, but that you had abilities to do it'.⁷⁶ In Gerrald's trial it was also used against him that was English, and that he had come up to Scotland, allegedly with the intention of spreading sedition. He was found guilty and sentenced to the same fourteen years transportation as his fellow accused.⁷⁷

In addition to the sedition trials, two trials for high treason were also staged in Scotland in the 1790s, and the accused were Robert Watt and David Downie; the two key organisers of the 'Pike Plot'. Since the law of treason was set down by statute, these trials were not marked by the kind of legal ambiguity which was such a dominant feature in the earlier sedition trials, and they were therefore surrounded by less controversy and appear in a somewhat different light. The English treason law had been extended to Scotland in 1709 and this had opened for the possibility of trying treason by the politically appointed special commission of 'Oyer and Terminer', rather than before the High Court in Edinburgh.⁷⁸ After the conduct displayed by Lord Braxfield in the sedition trials earlier in the year, both Henry Dundas and his nephew the Lord Advocate were determined to make sure that the treason trials were not presided over by 'that violent and intemperate gentleman who sits in the justiciary', as Robert Dundas phrased it. Although they had both defended the Edinburgh trials in Parliament, their private view was now that his behaviour had been scandalous.⁷⁹ By applying the option of Oyer and Terminer, it was possible to circumvent Braxfield and instead place the more reliable and predictable Lord President Ilay Campbell in charge of the court (Braxfield still sat on the bench, but

⁷⁶ *ST*, 23, c. 1002.

⁷⁷ Of the subsequent sedition trials staged in Scotland in the 1790s, the most important was that against George Mealmaker of Dundee, who was brought before the law courts because of his involvement in the forming of the United Scotsmen in 1797. Mealmaker was prosecuted under the so-called 'Gagging Acts' of 1795, convicted and sentenced to fourteen years transportation. See: *ST*, 26, no: 627, cc. 1135-60; Cockburn, *Examination*, ii. 150-55; and Meikle, *Scotland*, pp. 187-88.

⁷⁸ See section II for a discussion of the law.

⁷⁹ Meikle, *Scotland*, pp. 150-51; and Michael Fry, *The Dundas Despotism* (Edinburgh, 1992), p. 171. Later, in 1798, when the 'Convicts now under Sentence of Transportation' were finally to be sent off to Botany Bay, Robert Dundas commented to the Duke of Portland that: 'The truth is that the Lord Justice Clerk certainly was too violent & hasty in pronouncing the Sentence'. NAS, RH2/4/83, ff. 178-79, R. Dundas to Portland, Edinburgh, 27 April 1798.

now only as an ordinary judge). The two trials took place on 3 and 5 September 1794 for Watt and Downie respectively, and the trial of Downie mirrored that of Watt in all major respects. Initially in Watt's trial, Ilay Campbell presented some observations on the state of the kingdom, before reading out two out of the seven paragraphs in the treason law, under which the defendant was to be tried. The first of these two paragraphs stated that it is treason: 'When a man doth compass or imagine the death of our lord the king, or of our lady his queen, or of their eldest son and heir', and the second: 'Or if a man levy war against our lord the king in his realm, or be adherent to the king's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere, and thereof be proveably [*sic*] attained of open deed by the people of their condition'.⁸⁰ The indictment – which was the same in the two trials – was divided into eighteen 'overt acts' of treason. Numbers one to four were concerned with the defendants' connections with the British Convention, which was now described as having been 'held for the purpose of assuming to themselves the powers of government and legislation, and of deposing the king'. Overt acts five to seven and nine related to the king, and the crimes allegedly committed against him. It was for example stated in number six 'that he conspired to raise and make insurrection and rebellion against our lord the king'. Number eight referred to the plan for 'seizing the castle of Edinburgh', numbers ten and fifteen to eighteen were concerned with the production of arms and plans for arming those who would take part in the planned insurrection, numbers eleven and fourteen with the raising of money, and finally numbers twelve and thirteen with the composing, printing, publishing and dispersing of 'certain malicious, wicked and treasonable papers and addresses'. All combined this amounted to a compendious charge, but perhaps the most interesting aspect of it was that the activities of the British Convention were now included in a charge of treason, whereas previously they had been deemed 'only' seditious.⁸¹

The disclosure of the pike heads and the evidence linking the production of them to Watt and Downie, together with the fact that both of them could be shown to be members of the secret sub-committee referred to as the 'Committee of Ways and

⁸⁰ *ST*, 23, c. 1175.

⁸¹ *ST*, 23, cc. 1186-88.

Means' formed at the British Convention, all meant that the prosecution rested its case on relatively solid ground as far as hard evidence was concerned. It seemed evident that the Committee of Ways and Means, with Watt at its head, had been planning some sort of conspiracy or insurrection, most likely with the intention of seizing Edinburgh Castle. Not even the defence lawyers denied this. For the main part of the trial the prosecutors were therefore preoccupied with proving how Watt's seemingly wild plot could be seen as a serious threat to the state, and thereby as an act of treason. To constitute the crime of treason, an act had to fulfil the demands of at least one of the seven paragraphs in the statute law. They were all concerned with the person of the king, and it therefore had to be demonstrated – in some way or other – that the acts of the defendant posed a threat to the king's life. Since the Pike Plot had been discovered before the planned attack on Edinburgh castle had taken place, the prosecution could not provide direct evidence that a war had been levied against the king, but attempted to argue that the conspiracy was – on its own – an act of treason. Mr. Anstruther for the prosecution, quoting from a work by the learned lord chief justice Hale, stated that if a 'conspiracy be of levying a war, which if levied, has a direct tendency to destroy the life of his majesty, there is no doubt such a conspiracy is an overt act of high treason'.⁸² There was in other words no need for the conspiracy to have been set in motion, as long as it could be demonstrated that if it *had* been, it would have threatened the king's person. The problem was how an attack on Edinburgh Castle could be seen as an attack on the king. The defence tried to argue that the Pike Plot could not be held to have threatened the king's life, as it did not contain any actual plan to march down south and confront his Majesty, but this was held to be unnecessary by the prosecution.⁸³ It was enough to show, the crown lawyers argued, that the planned attack on Edinburgh Castle necessarily implied an intention of overthrowing the government, since – as the king was an inherent part of the government – it also had to be an attempt at removing the monarch from his throne.⁸⁴ That the plot to seize the castle was in fact aimed at overthrowing the government, was held to be proved by its connection with the

⁸² *ST*, 23, c. 1196.

⁸³ Barrell, *Imagining*, p. 276.

⁸⁴ See for example: *ST*, 23, cc. 1365, 1367; *ST*, 24 (London, 1818), cc. 5, 11, 17, 169-70, 172.

British Convention – the proceedings of which had by now been stated as treasonable – through the Committee of Ways and Means. This argument, however, required an explanation of why an attempt to overthrow the government put the king's life under threat. The required explanation was developed by Anstruther, and has been coined the 'Coronation Oath argument' by John Barrell.⁸⁵ According to Barrell:

The Coronation Oath binds the king to resist any attempt to put pressure on him and his parliament, by force of arms, to change the law of the kingdom or to redress a real or imaginary public grievance. In effect, argues Anstruther, anyone who conspires to levy war for such purposes *must* be regarded as imagining the king's death, for he *must* foresee that the king is obliged to oppose him 'at the hazard of his life itself', and he *must* foresee that in the ensuing struggle the king's life *must* be put at risk.⁸⁶

Since an attack on Edinburgh Castle was also an attempt on the king's life, it constituted an act of treason, Anstruther concluded. The defence in both trials – Hamilton in the trial of Watt, and Cullen as the counsel for Downie – made one last attempt to counter the prosecution's line of argument, by claiming that the Pike Plot was not to be taken seriously. Hamilton stated that the conspiracy hatched by Watt and his accomplices was nothing but a 'ridiculous absurdity'. How believable could it be, he argued, for 'seven men to seize one of the strongest castles in the kingdom!'⁸⁷ Mr. Anstruther for the prosecution in Downie's trial, however, retorted that 'the wildness and extravagance of the scheme does not prove the scheme did not exist'.⁸⁸ This was the view adopted by the jury as well, and both the two prisoners were found guilty and sentenced to death. Watt was subsequently hanged and beheaded, and Downie was meant to suffer the same punishment, but the jury decided that 'upon account of certain circumstances, we desire to recommend the prisoner to mercy'.⁸⁹ It was not specified what these 'circumstances' were, but

⁸⁵ Barrell, *Imagining*, pp. 277-81.

⁸⁶ *Ibid.*, p. 278. Barrell cited Anstruther: *ST*, 23, c. 1205 [Barrell's italics].

⁸⁷ *ST*, 23, c. 1346.

⁸⁸ *ST*, 24, c. 178.

⁸⁹ *ST*, 24, c. 192.

Downie was pardoned ‘on condition that he transport himself from the United Kingdom’.⁹⁰

II

Was there a Law of Sedition in Scotland?

It was mentioned above that the crime of treason was marked by less legal ambiguity than that of sedition, since, for treason, there were several statutes pinning down the exact content of the law, whereas no such statutory legislation appeared to exist for the crime of sedition. The precise meaning of ‘sedition’ under Scots law was consequently debated at great length in several of the sedition trials – those of Sinclair and Gerrald have been alluded to above – and was also of crucial importance for the treason trials. We will return to this discussion in more detail below, but first it is necessary to establish the nature and content of Scottish law on political crimes.

Scottish law, as it existed before the union, does not seem to have contained any substantial amount of statute law on sedition. There certainly were acts passed which concerned aspects of what might come in under the later definitions of the crime, but no comprehensive statute, specifically designed to outline the nature of sedition, existed within Scottish law before the Union of 1707. Scots law, however, operated with a crime denoted as *leasing-making*. The exact nature of the relationship between this crime and sedition had not been clarified, and was one of the most important issues of contention during the political trials of the 1790s. Although no statute existed for sedition, an act concerning leasing-making had been passed by the Scottish Parliament in Edinburgh as recently as 1703. It stated that: ‘Leasing makers’ and ‘Authors of Slandorous Speeches or Writs’ who, for their crime, had up till then been liable for capital punishment, could no longer be sentenced to death. Instead, those convicted of the crime were to suffer a punishment which: ‘shall for hereafter only be arbitrary according to the demerit of the transgression That is by fineing imprisonment or banishment, or if the party offender be poor and not able to pay a fine, then to be punished in his body (life and limb always

⁹⁰ Barrell, *Imagining*, p. 257. William James Anderson has argued that Downie was saved by the intervention of the (Catholic) Bishop Hay. William James Anderson, ‘David Downie and the “Friends of the People”’, *The Innes Review: Scottish Catholic Historical Studies*, 16 (1965), 175-76.

preserved)'.⁹¹ The situation with respect to case law on sedition was not notably different from that of statute law. There had been a number of trials for treason and leasing-making before the union, but in no trial had the indictment stated that the crime committed was *sedition*. When the trials began in 1793, the judges therefore '*had actually no precedent whatever to guide them*'.⁹² With little or no statute law, and hardly any case law, a definition of sedition – if indeed it was to be accepted as a crime under Scots law – had to be sought in authoritative writings on the law of Scotland.⁹³

A number of scholars wrote treatises aiming to explain Scottish law, but the most important in our context are John Erskine, and Baron David Hume. Hume first published his *Commentaries on the Law of Scotland* in 1797,⁹⁴ which was after the main political trials had taken place in Scotland, while Erskine had published his work in 1773, and was the acknowledged authority referred to by both sides in the 1790s, although mostly by the prosecution.⁹⁵ In a comprehensive work, Erskine dealt with sedition in a relatively short section denoted: 'Sedition and leasing-making'. According to Erskine's interpretation, sedition consisted of two separate crimes, 'real' and 'verbal' sedition, where the latter was referred to as leasing-making in the statutes, while the former did not appear to be covered by a statute, and this seems to have been the accepted definition of sedition by the 1790s.⁹⁶

Some of the apparent confusion in the trials may have been due to flaws in Erskine's interpretation. Baron Hume certainly claimed that the distinction between real and verbal sedition was at best of little use, and at worst only served to confound the far more important distinction between what he saw as the three separate crimes

⁹¹ *The Acts of the Parliaments of Scotland*, xi, 1702-1707 (London, 1824): 16 September 1703, no. 4, 'Act anent Leasing Makers and Slanderers', p. 104. By 'arbitrary' punishment what was meant was any punishment sanctioned in Scottish law, less than death, the ultimate penalty.

⁹² Cockburn, *Examination*, i, 3 [original italics].

⁹³ This was the normal practise when there was no statute or case law to rely on. Alternatively, a definition could be sought in *natural law*, that is, how sedition was 'normally' defined in 'well-governed countries'; or in *unwritten law*, the customs and traditions that had developed within the Scottish legal practice, and in 'feelings of natural justice', that is, what society in general perceived to be right and wrong. John W. Cairns, 'Historical Introduction', in *A History of Scots Private Law*, i: *Introduction and Property* (2 vols.; Oxford, 2000), 168-69, 176-84.

⁹⁴ Baron David Hume, *Commentaries on the Law of Scotland respecting the Description and Punishment of Crimes* (2 vols.; Edinburgh, 1797).

⁹⁵ John Erskine, *An Institute of the Law of Scotland* (2 vols.; Edinburgh, 1773, reprint 1989).

⁹⁶ Erskine, *Institute*, ii, 1186-1188.

of leasing-making, sedition and treason.⁹⁷ Initially, Hume addressed the crime of leasing-making by referring to an act of the Scottish parliament, which stated that: ‘Leasing-makers are characterised ... in the statute 1424, c. 43, as inventors and tellers of rumours “whilk may ingender discorde betwixt the King and his people”’.⁹⁸ He then went on to outline the nature of leasing-making as: ‘a verbal injury levelled against the King’ and a crime which ‘is construed in the law to be done out of malice and evil disposition, entertained against him’.⁹⁹ The offence was in other words directed against the king’s *person*, with the intention of presenting him in an unfavourable light; ‘to do him prejudice as a person’.¹⁰⁰ Leasing-making could take the form of inventing false stories about the monarch, describing him as a common liar, uttering words or speeches containing reproach or contempt for the king or charging him with deeds such as adultery. It was therefore a crime whose ‘peculiar character’ was one of being ‘a high and aggravated form of *slander*’ upon the king. Hume proceeded to interpret and clarify the nature of leasing-making by contrasting it to the related crime of sedition. Whereas leasing-making was directed against the king as a person, sedition consisted in ‘projects’, which were ‘levelled against the whole system, and are not moved out of a special grudge to the Prince upon the throne’. Rather, an act of sedition was aimed at ‘the new modelling of the State without the authority of law’.¹⁰¹ Sedition was a crime committed by ‘deed, word, or writing’, which had been expressed ‘for the purpose of producing public trouble or commotion, and moving his Majesty’s subjects to the dislike, resistance, or subversion, of the established government and laws, or settled frame and order of things’.¹⁰² Similarly to Erskine, Hume did not make any references to acts

⁹⁷ His treatise on Scottish criminal law – which is now held to be the standard, or authoritative work on the subject – provides a more thorough investigation of these issues than Erskine’s work, which was not restricted to the criminal category of Scottish law only. Hume was a learned man with great knowledge of the Scottish legal system, but where Lord Cockburn belonged to the liberal nineteenth century Whig tradition, Baron Hume was a High Tory who generally tended to support the view of the prosecution with respect to the sedition trials of the 1790s. Examples of Hume’s pro-government stance can be seen in: Hume, *Commentaries*, i, 354, 553, 556. On Cockburn’s political views, see: John M. Pinkerton, ‘Cockburn and the Law’, in *Lord Cockburn: A Bicentenary Commemoration 1779-1979*, ed., Alan Bell (Edinburgh, 1979), p. 115.

⁹⁸ Hume, *Commentaries*, i, 79.

⁹⁹ *Ibid.*, 82.

¹⁰⁰ *Ibid.*, 95.

¹⁰¹ *Ibid.*, 96-7 [original italics].

¹⁰² *Ibid.*, 484.

specifically concerned with sedition, or using exactly that word, but he did state why it necessarily had to be a crime under Scots law. In his opinion: ‘sedition is a crime, whereof the notion is coeval in all countries with the institution of regular government’, and this would still have to be the case, ‘even if our statute-book were silent on the subject, and no instance had occurred in past times of punishment inflicted on transgressors in this kind’.¹⁰³ The absence of statute law and of precedent to guide future trials was in other words not a sufficient, nor a legitimate reason for stating that sedition was not a crime under Scottish law.

Hume also disagreed with Erskine’s distinction between real and verbal sedition, or more precisely, he disagreed with Erskine’s *understanding* of real and verbal sedition. Erskine had claimed that verbal sedition was the same as leasing-making and that real sedition entailed some sort of convocation of people. This, Hume argued, was to confound real sedition ‘with the crime of riot or convocation of the lieges’, and in his explanation of the difference between the two, he moved on to treason, and gave a remarkably clear definition of the distinction between this crime, and that of sedition:

For the characteristic of sedition lies in the forwarding, preparing, and producing such a state of things as may naturally issue in public trouble and commotion; and it is opposed to the guilt of those who are actively engaged in the tumult or rising, if any ensue. Farther, riot and sedition differ in their scope and object. The crime of sedition is a State crime; which is levelled against the Government, structure of laws, or political order of the land ... in regard to which, if any *hostile* rising ensue, the offender shall be guilty of no lower crime than treason.¹⁰⁴

Hume did admit that there was a certain degree of overlap between sedition and leasing-making, in the sense that some acts might qualify for both charges, and that – in some cases – verbal sedition did indeed equal leasing-making; but he also maintained that not all leasing-making was sedition and vice versa. They were not controvertible terms. On the basis of this clarification, Hume also questioned the usefulness of the distinction between verbal and real sedition. In his opinion, it was

¹⁰³ *Ibid.*, 487.

¹⁰⁴ *Ibid.*, 492 [original italics].

of little importance whether ‘the mischief is conveyed, as by words and speeches, or by other proceedings’, as long as it could be proved to be seditious.¹⁰⁵

What emerges from Hume’s investigation then, is that the important distinction does not lie between real and verbal sedition, but between leasing-making and sedition, and that this distinction is one of the *intention* held by the perpetrator of the deed. If the act took the form of disrespectful things being said or written about the King – or even about the government – but *without* there being any purpose of this beyond expressing a personal grudge against the monarch or the authorities, then it was an act of leasing-making. If, on the other hand, it emerged that there was a malicious intention of encouraging the toppling or subversion of the British state, underlying the perpetrator’s decision to make his statements, then it was an act of sedition. It was this underlying intention – and not the medium through which the attitudes were expressed – which decided whether or not an act constituted the crime of sedition. Rioting, therefore, if it was not spurred on by an intention of overthrowing the government, was not seditious. Finally, sedition could be distinguished from the more grievous crime of treason, by looking at whether or not the encouragement of overturning the government had in fact been followed by an actual physical attempt to do so. If such an attempt had not taken place, no worse crime than sedition had been committed, but if it had, then the instigator or instigators of the attempt were guilty of treason, even if they had not themselves taken part in the use of force.

The relationship between sedition and treason was equally important for the trials of the 1790s, as was that between sedition and leasing-making, or rioting. As far as treason was concerned, an essential development had occurred on 1 July 1709 when the English treason law was introduced in Scotland, thereby abolishing the old Scottish law on this particular crime.¹⁰⁶ The main practical effects of the new legislation for Scottish law was to reduce the number of treasonable offences, thereby limiting the scope of capital punishment, and to introduce the possibility of

¹⁰⁵ *Ibid.*, 495.

¹⁰⁶ *Statutes at Large*, 4, 10 William III to 12 Q Anne, 1699-1713 (London, 1763), 7 Anne, Chapter. 21. ‘An Act for improving the Union of the Two Kingdoms – [1st July 1709]’.

trying treason before a politically appointed Commission of *Oyer and Terminer*.¹⁰⁷ One such Commission was appointed for the trials of Robert Watt and David Downie in 1794.

A final legal issue which needs to be addressed in relation to the political trials of 1793-94, is the question of punishment. Many historians have commented upon the alleged harshness and illegality of the sentences inflicted upon the radicals tried for sedition in Scotland, beginning with Thomas Muir in 1793, and this was also an issue with which many contemporaries concerned themselves.¹⁰⁸ The debate then, and later, focussed on the use of transportation as a punishment, and on whether this was a reasonable or even a legal punishment for sedition. Again there was clearly a problem due to the lack of statutes using the concept or term 'sedition', but Hume addressed the issue, and his focus was on the distinction between the punishments of transportation and *banishment*. In his opinion it was banishment – and not transportation – which was the concept known and used in Scottish law, and he argued that 'the terms *transport* and *transportation* are not native or proper terms of the law of Scotland, but a new and foreign style, which has of late years been borrowed from the English practice'.¹⁰⁹ In terms of pure terminology, transportation would thus not appear to be a valid punishment under Scottish law. But did this difference in terminology necessarily entail a difference in the semantic meaning of the words? Hume was of the decided opinion that it did not, and went to great lengths

¹⁰⁷ On the implications of the act for the Scottish law of treason, see: Erskine, *Institute*, ii, 1181-82; and Hume, *Commentaries*, i, 554-55. It was still possible to conduct a Scottish treason trial before the Justice Court, and the appointment of a Commission of Oyer and Terminer was therefore only an *alternative* for the government.

¹⁰⁸ The trials and the sentences passed were debated at the highest political level in the country. On several occasions, the issue was raised in Parliament. For example, on 31 January 1794, the Earl of Stanhope moved for the execution of the sentence against Muir to be delayed until the House of Lords would have had time to inquire into the case, and on 24 February 1794, Richard Sheridan presented a petition to the House of Commons, describing the sentence passed on Palmer as 'illegal, unjust, oppressive, and unconstitutional'. *Parliamentary History*, 30, 1449, cited in: Cockburn, *Examination*, ii, 136. The MP Mr. Adam presented a motion in the House of Commons in March 1794 appealing for the house to postpone the execution of Muir's and Palmer's sentences until an inquiry had been held into the trials. He found it absurd that an offence which was punished with one years imprisonment in England should be given an penalty of fourteen years transportation in Scotland, and according to *The Times*: 'He thought it would be a proper subject of enquiry in a Committee, whether there really did exist such a crime as Sedition, which he thought extremely problematical'. *The Times*, 26 March 1794. For a general discussion of the proceedings in Parliament on this issue, see: Cockburn, *Examination*, ii, 'Proceedings in Parliament', 133-50; and D'Osborne, *BRAXFIELD*, pp. 190-91.

¹⁰⁹ Hume, *Commentaries*, i, 101. See also: Hume, *Commentaries* (1800-edition), ii, 365.

to prove his point. Referring to a number of trials, mainly from the seventeenth century, he displayed how a sentence of banishment very often – in *practice* – had meant that the defendant was transported out of Scotland. He also showed that the word ‘transport’ kept recurring in these sentences of banishment.¹¹⁰ Yet, even if we accept transportation as a mode of banishment, another problem arises in relation to whether sedition qualified for banishment. *Leasing-making* clearly did, but, according to Hume’s argument, there was a relatively clear divide between the two crimes, and the political trials of the 1790s had *not* been concerned with leasing-making (as indeed the prosecution repeatedly pointed out).¹¹¹ Hume did not address this problem directly, but seems to have held the view that sedition as a common law crime qualified for any arbitrary punishment less than death.¹¹² The Lord Justice Clerk may therefore well have been within the parameters of the law when he suggested fourteen years transportation as an appropriate penalty for sedition. He was probably well outside the parameters of what contemporaries saw as a *reasonable* punishment, but this did not necessarily mean that the sentences were illegal.¹¹³

¹¹⁰ Hume, *Commentaries* (1797), i, 119. A. Roger Ekirch has demonstrated that, up until 1775, the Scottish law courts made extensive use of transportation as a punishment, although for other crimes than sedition. A. Roger Ekirch, ‘The Transportation of Scottish Criminals to America during the Eighteenth Century’, *Journal of British Studies*, 24 (1985), 366-74.

¹¹¹ In December 1793, the Earl of Lauderdale, together with Grey and Sheridan had addressed Henry Dundas over the legality of the sentences passed on Muir and Palmer, whom they believed to have been convicted of leasing-making. Dundas referred the whole matter back to the Lord Justice Clerk, who reported that the cases of Muir and Palmer had nothing to do with leasing-making. See: D’Osborne, *BRAXFIELD*, pp. 191-94; and Meikle, *Scotland*, p. 136. For the correspondence between Dundas and Braxfield, see: NAS, RH2/4/73, ff. 285, 303-5, 313.

¹¹² Hume, *Commentaries*, i, 487-88. Cockburn disagreed with Hume and held that transportation ‘was warranted by nothing that ought to be considered as a precedent’. Cockburn, *Examination*, ii, 125-26.

¹¹³ Henry Meikle has argued that the punishments could not be defended relative to the law, because: ‘the Act relating to the removal of offenders from Britain expired in 1788, and when it was renewed, Scotland was omitted’. If Meikle’s point is correct – his source of information was the *Diary of Lord Colchester* – then the case would seem to have been closed firmly against the legality of the sentences, on the basis of this technicality. Nevertheless, it does seem a little odd that this piece of legislation should have missed the attention of everyone else who has looked at the trials, including learned scholars such as Hume. Meikle, *Scotland*, p. 136, footnote 1. Meikle did not state when the Act was renewed, whether it occurred in the same year as it expired or later, but from looking at *Statutes at Large* and *Scots Statutes Revised* for 1788 I have not been able to find any indication that such an act was passed the same year. See: *Statutes at Large*, 15, 26 Geo. III to 29 Geo. III, 1786-1789; and *Scots Statutes Revised*, i, 1707-1819, 28 George III, 1787-8.

III

The Courtroom debate on sedition

Although the nature of sedition was debated very briefly in the trials of Palmer and Skirving, it was not until Margarot challenged the whole notion of sedition as a crime under Scots law in his trial that a thorough discussion of the concept was initiated. In Margarot's trial, the Solicitor-General was driven into a corner by the defendant's demand for a clarification of the law by which sedition was made a crime, and the range of punishments affixed to it. In response Mr Blair claimed that: 'My answer to that is, that sedition was made a crime not by any statute, but by the common law of Scotland', and as such, it qualified for 'an arbitrary punishment'.¹¹⁴ Margarot had, however, also demanded to see a proper definition of sedition, and this, the Solicitor-General found it more difficult to provide. He argued that sedition consisted of crimes of such a 'complex and vague nature, that it is hardly possible to give a general definition to comprehend them all', but nevertheless proceeded to refer to Erskine's distinction between verbal and real sedition, and to quote his definition of real sedition.¹¹⁵ The implication of choosing Erskine as authority was, however, one of accepting verbal sedition as equal to leasing-making, and this was a notion which would be challenged by the prosecution in later trials. Blair's view of sedition as a crime under common law was endorsed by Braxfield at the end of Margarot's trial, when – in his summing up of the trial – the Lord Justice Clerk stressed that sedition was not a crime founded upon any statute law, but was 'very well known in the common law of Scotland'.¹¹⁶ So far, it had thus been concluded that sedition was a crime under the common law of Scotland.

No effort appears to have been made, however, to clarify any of this in the indictment for the next trial. Mr. Fletcher – Sinclair's junior counsel – immediately challenged the prosecution on what he saw as the lack of clarity and precision on a

¹¹⁴ *ST*, 23, cc. 616-18. *Common law*, with respect to Scotland, can be loosely defined as: 'everything concerning the law of Scotland, which was not part of the statutes'. For a discussion of the development of Scots common law, see: Cairns, 'Historical Introduction', pp. 14-184.

¹¹⁵ Blair's reason for choosing Erskine as his authority was probably that the calling and forming of the British Convention fitted well with Erskine's 'convocation of a number of people, without lawful authority, tending to obstruct or trouble the peace of the community'. Erskine, *Institute*, ii, 1186.

¹¹⁶ *ST*, 23, c. 763.

number of accounts in the charge. Was the panel to be tried under statute or common law, and what exactly was meant by the phrase ‘sedition is a crime’ in the indictment, Fletcher enquired. Moreover, was the crime which had allegedly been committed real or verbal sedition? Fletcher himself was perhaps not entirely up to date, in that he claimed the punishment for real sedition to be the same as for treason, i.e. death, but this may also have been a tactical move to ensure that his client was charged with verbal, and not real sedition, since he defined the verbal form to equal leasing-making. Being once again forced to clarify the crime of sedition, the Solicitor-General emphasised that ‘the charge here made is not leasing making, nor laid upon any of the acts but as sedition, and sedition and leasing making are by no means synonymous terms’. He reinforced his point with reference to the trial at hand, stating that: ‘the facts do not amount to leasing-making, but to a great deal more’. Blair had thus placed sedition firmly in common law and leasing-making in statute law, and, as a consequence of Fletcher’s challenge, he had been forced to move away from Erskine’s position of seeing leasing-making as one kind of sedition, and towards Hume’s more clearly defined demarcation between the two crimes.¹¹⁷ At the very end of proceedings – just before the trial was abandoned – the Lord Justice Clerk endorsed this view.¹¹⁸

Lord Henderland developed the distinction between sedition and leasing-making even further in the trial of Gerrald, where he took it beyond the position Hume would later adopt. Henderland claimed that seditious acts of a verbal kind were as criminal and as dangerous as ‘real’ acts of sedition. If a man was to ‘run into the streets’ urging people to rise against the government, that was no less dangerous than an attempt at organising a convocation of people, and clearly this had to be crime completely different from leasing-making.¹¹⁹ Faced with the repeated challenges of the defence, the prosecution had consequently developed its view from one of seeing sedition and leasing-making as related crimes – in co-ordinance with Erskine’s definitions – to seeing them as completely different offences. This had all

¹¹⁷ *ST*, 23, c. 787-88.

¹¹⁸ *ST*, 23, c. 800.

¹¹⁹ *ST*, 23, c. 890.

taken place in an attempt to fend off the efforts made by the defence to turn the charge from sedition into leasing-making, but why was this so important?

With little or no statute law on sedition, it would probably have been easier to outline a charge for leasing-making, and certainly, with the act of 1703, there was no doubt that leasing-making qualified for banishment as a penalty. Sedition did not qualify for capital punishment after 1709, so there was not the possibility of inflicting a harsher punishment with a conviction for sedition either. In addition to this, leasing-making might have been easier to prove. With no requirement for a seditious *intention*, it should have been necessary only to collect, and present, information that something abusive had been said or written about the king or his government to ensure conviction. When this path was not chosen it was perhaps precisely because a conviction for leasing-making said nothing about the intention of the perpetrator. Convictions for leasing-making would therefore be of little use if the prosecution were to successfully portray the radicals as intending to overthrow the British constitution and government. As a consequence, the Crown lawyers were left with the more difficult task of proving the somewhat ill-defined crime of sedition. It was, however, the distinction between sedition and treason, which took the most prominent place in the debates on the law in the sedition trials of the 1790s.

For a set of trials where the charge always was on some or other aspect of the crime of sedition, it is remarkable how often references or allusions were made to treason. John Barrell has pointed out how: 'The word "treason" is broadcast across the reports of these trials like seed across a field, in the hope, no doubt, that it would germinate and grow in the minds of the jurors'.¹²⁰ Barrell here seems to suggest that the prosecution and the bench were trying to make the jury *think* about treason in trials where the accused was *in fact* charged with sedition, with the intention of making sedition appear a more sinister crime in the eyes of the jurors. Treason was alluded to in a number of ways. The first to make a reference to the offence was Lord Swinton in Muir's trial, who, when commenting on the verdict, thought that sedition was 'a crime of the most heinous kind, and there was scarcely a distinction between it and high treason',¹²¹ although he later moderated his view to: 'The crime here,

¹²⁰ Barrell, *Imagining*, pp. 164-65.

¹²¹ *ST*, 23, c. 233.

though very near to treason, does not amount to it'.¹²² The argument that sedition was very nearly treason – that the two crimes were so closely related that it was only *just* possible to distinguish between them – was returned to repeatedly in the trials. It was argued that sedition was 'upon the *verge* of high treason', that 'it *approaches* to high treason' and that 'it *borders* ... upon the crime of high treason'.¹²³ Seemingly, every effort was made to blur the distinction as much as possible, and in the trial of Margarot, the Lord Advocate Robert Dundas stated about the procedures of the British Convention that: 'while their guilt still remains with a feature of sedition marked upon it', it was none the less 'verging upon treason, with such a trifling distinction, that it is almost impossible for a lawyer to find the difference'.¹²⁴ If, however, the distinction was so negligible, and many of the particulars included in the minor proposition did indeed qualify for treason, then why was sedition and not treason the crime stated in the major proposition?¹²⁵ The Lord Advocate's conclusion to the above point provides an indication: 'Sure I am, but for the act of the 7th of queen Anne, that the gentlemen were far within the case of Scotch treasons; and in that case, Mr. Margarot would have stood at your bar tried for his life'.¹²⁶

Similar arguments were presented in other trials. Lord Eskgrove, when commenting on the seditious nature of Palmer's handbill, could not resist the temptation of pointing out that: 'by the old law of this country it was more, for sedition, and raising commotions among the people, was considered as a species of treason'. In the trial of Skirving, Lord Abercromby argued that: 'before the alteration of the law of Scotland with regard to treason, I think that the facts charged in this indictment, might have been laid as treason'. Lord Eskgrove returned to the issue again at the beginning of Gerrald's trial claiming, that if only those who had so far been convicted had been 'brought to trial before the alteration of the treason law by the union' they would have been charged with treason.¹²⁷ After the major sedition

¹²² *ST*, 23, c. 235.

¹²³ *ST*, 23, cc. 600, 623, 764 [my italics].

¹²⁴ *ST*, 23, c. 701.

¹²⁵ During the discussion of the relevancy of the libel, Lord Dunsinnan argued that he had only one doubt about the indictment, and that was: 'whether in some of these particulars it is any thing short of the crime of high treason'. *ST*, 23, c. 626.

¹²⁶ *ST*, 23, c. 701.

¹²⁷ *ST*, 23, cc. 291, 512, 809.

trials were over, and the Scottish prosecution was concerning itself with charges of treason in the trials against Watt and Downie, the issue re-emerged. In the opening of Downie's trial, the Lord Advocate came close to lamenting that the act of 1709 had ever been passed, when he stated that:

Gentlemen, I shall not stop to inquire, whether we, in Scotland, gained, or may be supposed to have gained, or to have lost, by the introduction of the English law of treason ... but this I can state ... that the Scots laws of treason, previous to the union, were much more strict, and much more severe, than those which were established in England, under the protection of which we now live; and that some persons, who are now suffering under the common law of Scotland, arbitrary punishments, for offences committed against it, would, if the Scots laws of treason had existed at the present moment, have been tried for their lives, under that law, and would have suffered the capital punishment which that law inflicted.¹²⁸

Two options seem to present themselves from the above quotations. Either, the prosecution had made a grave mistake in charging the accused with sedition and, as the lawyers and judges came to realise this, they did everything they could to make the charge of sedition *appear* as treason; or – being well aware that the activities of the radicals did not in fact amount to treason – they did whatever they could to aggravate the charge of sedition. Lord Cockburn is the most prominent advocate of the first of these two explanations. In Cockburn's opinion, the wrong crime had been chosen.¹²⁹ This, he believed was primarily due to ignorance on the part of the prosecution – particularly in the case of the Lord Advocate – who had not quite been able to grasp the distinction between the two crimes. Cockburn's view has, however, been challenged by John Barrell, who has argued that, quite to the contrary, the prosecution knew exactly what it was doing: 'The speeches of the prosecutors and the judges repeatedly reveal that they have thought hard about whether the charges amount to high treason, and have decided, with great reluctance, that they do not'.¹³⁰ Barrell's argument seems to be reinforced by the third way in which the prosecution addressed the issue of the distinction between sedition and treason.

¹²⁸ *ST*, 24, cc. 6-7. See also a comment by Braxfield in the trial of Skirving. *ST*, 23, c. 513.

¹²⁹ Cockburn, *Examination*, i, 245-46. With reference to the trial against Skirving, for example, Cockburn argued that: 'If it was a case of treason, or ought to have been considered as such, the whole proceedings were wrong from the first to the last'. *Ibid.*, i, 246.

¹³⁰ Barrell, *Imagining*, p. 167.

Frequent mention was made in almost all the trials of the consequences it would have had, if the seditious activities had been followed by risings and commotions. Lord Abercromby claimed that Palmer was a fortunate man, because *if* his writings had led some deluded men to produce the ‘slightest insurrection’, he would have been charged with high treason.¹³¹ The same applied to the actions of the British Convention, according to the Solicitor-General, because ‘had it been accompanied with the rising up of the people it would have ceased to be sedition, and would instantly have become high treason’, and a number of similar statements were made in the other trials.¹³² The prosecution was painfully aware, of course, that no riot or insurrection had followed upon either the activities of the British Convention, or Muir’s handing out of the *Rights of Man*, nor had anyone been stirred into attempting the overthrow of the government as a consequence of reading Palmer’s handbill. All these references to insurrections which had not taken place were therefore irrelevant to the charge and the trial at hand. It seems unlikely that the prosecution would have failed to comprehend this point in trial after trial, and more plausible that – by making references to what the activities of the radicals *could* have led to – the crown lawyers tried to make the radicals appear more sinister and to aggravate their crimes in the minds of the jurors.

By the time Gerrald had been convicted, and the sedition trials of 1793-94 were over, the Scottish courts had thus clearly been able to distinguish sedition from both treason and leasing-making, but had they managed to clarify the precise meaning and content of the crime? It has been argued by several historians who have written on the Scottish sedition trials of the 1790s that a major problem facing the law courts was the unclear nature of the law itself and, certainly, the absence of statute law on sedition undoubtedly made it more difficult to define than treason and leasing-making.¹³³ Yet, it can be argued that it was the lack of precedent, not the supposedly unclear nature of the concept of sedition, which was the cause of the discussions in the trials. Since the Scottish courts of the early 1790s had little or no case law to rely on, *they* had to interpret meaning of sedition under Scots law, and

¹³¹ *ST*, 23, c. 373.

¹³² *ST*, 23, c. 787.

¹³³ John Barrell is the latest historian to have presented this argument: *Imagining*, p. 157.

this was precisely what they proceeded to do. In the end, the greatest problem facing the courts was therefore not how to define the nature of sedition as a crime, but how to *prove* that an act of sedition had been committed. The absence of a requirement for some kind of substantial physical action, set in motion with the purpose of overthrowing the government (such as Watt's production of pikes), meant that the prosecution relied upon proving seditious *intention* on behalf of the defendant. This demanded a substantial amount of direct and solid evidence, and, as has been argued by many commentators, in these trials such evidence was not abundant.

The legality of transportation as a punishment for sedition was mainly debated upon on two occasions, first in the trial of Margarot, and then when Gilles presented his objections to the relevancy of the indictment in Gerrald's trial. Margarot had challenged the judges to specify the legal backing for transportation as a penalty for sedition, and Lord Henderland resorted to references to common law. In his opinion the court had the power to punish sedition 'by the highest arbitrary punishment'.¹³⁴ Gilles, however, challenged this argument. In his opinion, transportation was a concept entirely unknown to Scottish jurisprudence, and *if* sedition could be punished with banishment, it would thus be wrong to conclude that this also allowed for a sentence of transportation. Moreover, he held the prosecution and judges to be entirely misguided in their dismissal of traditional banishment to England on the grounds that the prisoners could then commit the same offences there. If this was so, Gilles wondered, then why was this punishment regularly imposed upon Scottish 'thieves and pickpockets', who would then be 'at liberty to go to England, where, as people's pockets are generally better filled than they are here, persons of this description will be enabled to exercise their profession with much greater advantage and success?'¹³⁵ The prosecution, however, persisted with its view of transportation as 'a particular mode of banishment', which was 'known to the common law of Scotland' and 'was a power exercised by the court of session without a statute, and exercised by all the criminal courts in Scotland'.¹³⁶

¹³⁴ *ST*, 23, c. 772.

¹³⁵ *ST*, 23, c. 851.

¹³⁶ *ST*, 23, c. 866. The judges agreed with the prosecutors and Gilles' objection was overruled. Lord Eskgrove presented a similar argument in the trial of Sinclair, see: *ST*, 23, c. 797.

IV *The Prosecution's Argument*

The purpose of the political trials of the 1790s, as seen from the government's point of view, was to convict those leading radicals the authorities perceived to be a threat to the state, and thereby to neutralise the danger they posed. For the prosecution, the task at hand was consequently to prove sedition, and while it is outside the scope of this chapter to discuss whether the evidence the crown lawyers presented was sufficient in strict legal terms, it is essential to look at the arguments they employed for this end.

With the possible exception of Palmer's trial, the prosecution could produce relatively little in terms of direct evidence of sedition in any of the major trials of 1793-94, and its argument therefore rested mainly on indirect and circumstantial evidence. While this has led some historians to argue that the prosecution had a very weak case, the reliance on circumstances and indirect evidence should, none the less, be seen as going beyond that of merely compensating for the lack of direct evidence.¹³⁷ We will address the issue of circumstantial evidence first.

In the opinion of the prosecution, the circumstances in which the allegedly seditious activities had taken place were essential in proving malicious intention – independently of direct evidence – and the crucial circumstance was the *timing* of the activities now charged as constituting sedition. It was argued that, when the radicals decided to promote their political agenda of parliamentary reform precisely at a time when the country was marked by internal turmoil, it demonstrated a deeper and more sinister intention. Since a conviction for sedition was a matter of proving an *intention* of *encouraging* the overthrow of the political system, merely producing a handbill promoting substantial reform in court, or alluding to a convocation of people styling itself the 'British Convention', did not provide adequate evidence of sedition. But when this material was distributed, or the convention was held, at a time when all

¹³⁷ In the case of Muir, for example, Christina Bewley has argued that the prosecution based its case 'entirely on circumstantial evidence', of which she was critical, while John Barrell has claimed that the trials following the British Convention have become renowned for 'the defects in the prosecution evidence'. Bewley, *Muir*, p. 70; and Barrell, *Imagining*, p. 157. Henry Meikle took a similar view of Muir's trial. Meikle, *Scotland*, p. 133.

well-meaning and well-educated men ought to have realised that a potential threat to the state existed and that their activities served to aggravate that threat, then *that* was proof of seditious intention. Throughout the trials, the prosecution adhered persistently to the view that claims of ignorance of such a threat were not to be accepted or believed, and in this, it was supported by the judges. At his summing up of the trial against Muir, Lord Braxfield urged the jury to attend to ‘the state of this country during last winter’, when ‘there was a spirit of sedition and revolt going abroad which made every good citizen seriously uneasy’, and he invited the jury to consider:

whether it was perfectly innocent or not in Mr. Muir, at such a time, to go about among ignorant country people, and among the lower classes of the people, making them leave off their work, and inducing them to believe that a reform was absolutely necessary to preserve their safety and their liberty, which had it not been for him, they never would have suspected to have been in danger.¹³⁸

Braxfield’s argument was developed further by the Lord Advocate in Margarot’s trial. Addressing the jury, Robert Dundas asked:

Is it not an aggravation of this man’s offence, that with superior education, intellect, and information, he encouraged a set of low, ignorant, mechanics in their criminal courses, and urged them, by his inflammatory discourses, to lengths, the danger and extent of which it is probable were to them unknown.¹³⁹

Precisely because they could not know the danger, or quite grasp the possible consequences of challenges to the state at a time of crisis, ordinary people with little education were not to be blamed if they got carried away by the rhetoric of the radicals. Conversely, precisely because *they* ought to know the possible consequences of such activities at the present time, the well-educated radicals *were* to blame, according to Dundas and Braxfield. By their statements the Lord Advocate and Lord Justice Clerk had thus moved into the somewhat awkward argument of saying that, anyone with a comparable background and education to them, necessarily had to hold the same perceptions as they did with regard to what sort of

¹³⁸ *ST*, 23, c. 229.

¹³⁹ *ST*, 23, c. 694.

activities were likely to produce challenges to the authority of the state at any given time and in any given circumstance. Since their view of what constituted seditious *actions* also had to be the universally accepted view of this, anyone involved in such activities had necessarily shown seditious *intention*. Other circumstances were also held to be of relevance. In the trial of Margarot, Dundas went on to argue that, if it was true – as it had come to his attention – that the defendant was an attorney, then that was also an aggravation of his crime, since he had thereby ‘made an ill use of his profession’.¹⁴⁰ A similar accusation was levelled against Palmer. Mr Burnett for the prosecution held it to be a circumstance working against Palmer that he was a clergyman, before he quickly pointed out that ‘he does not however stand at your bar for his religious principles’.¹⁴¹

A more careful explanation of how timing could prove seditious intention was, however, presented by the Solicitor-General in the trial of Skirving, and concerned the question of whether a meeting which had allegedly been staged by the committee of secrecy was seditious or not. Although initially boasting that he should have found no difficulty in proving it seditious even if the meeting had taken place five years ago when the country was quiet and peaceful – as ‘the law is always the same’ – he proceeded to argue that for a crime of this *nature* it should be observed that: ‘the circumstances of the time must operate very strongly’. If, for example, a few individuals had walked up to Edinburgh Castle and fired a shot or two some five or six years ago, Blair argued, it was unlikely that anyone would have thought of that as high treason at the time. But if the same thing had occurred in the year 1745, those people would probably have been tried for, and found guilty of, high treason. Thus, Blair concluded:

the complexion of the times speaks the intention of the parties, and if ever there was a period when a man was called upon to abstain from seditious practices, it is the present ... I say, if at these times men are so perversely obstinate as to assemble such a meeting, it denotes a

¹⁴⁰ *ST*, 23, c. 696-97.

¹⁴¹ *ST*, 23, c. 333. Cockburn was particularly scornful about this remark by Burnett. In his view it was completely irrelevant. If Palmer was not on trial for his religious principles: ‘Why then introduce them?’ Cockburn, *Examination*, i, 196. Burnett’s point was later repeated by Lord Abercromby in his comment on the verdict, see: *ST*, 23, c. 372.

criminal intention much greater, than if the same things had happened at another period.¹⁴²

The particular circumstance which made it seditious to campaign for political reform in the 1790s was the perceived threat from Revolutionary France. The radicals ought to have realised, the crown lawyers argued, that when the French National Convention decided to issue the Edict of Fraternity in November 1792 – whereby it offered French assistance to the peoples of neighbouring nations if they decided to rise in an attempt to overthrow the existing political regimes of their own countries – the situation had changed dramatically. Campaigns for reform in Britain could now be taken as an invitation to intervene by the French revolutionaries, and when the well-educated and well-informed radicals *persisted* with their agitation for reform when they *knew* that this was the case, they had also revealed their seditious intentions. The outbreak of war between Britain and France in February the next year only made this point even more pressing.¹⁴³ It was held to be particularly dangerous to campaign for a reform of the political system, and thereby to question the legitimacy of the government, at a time when the country was ‘engaged in a bloody war with a neighbouring nation’.¹⁴⁴ It was legitimate for the state to demand a greater degree of loyalty from its subjects when there was an external threat to the country, than would be required in peacetime, the prosecution argued, and promoting reform was therefore a far more dangerous activity at this point in time, than it would have been only five years earlier.

Extensive references were also made to the state of France in order to demonstrate that the reform-measures presented by the radicals were not as innocent as they claimed them to be. In his comment of the verdict in Muir’s trial, Lord Swinton argued that Muir’s seditious activities constituted ‘a crime of the most

¹⁴² *ST*, 23, c. 489. Margatot thought the whole argument on timing ludicrous. While in 1782, he argued, it had seemed a ‘very laudable and a very constitutional thing to assemble, to meet to consider of grievances, and to plan a method by which they were to be redressed’, by 1794 this had, by some way or another, become a criminal act of sedition: ‘How ridiculous for a crown lawyer to attempt to impose upon a court of justice; or for any man to support such imposition, that what was constitutional in 1782, should be criminal in 1794’. *ST*, 23, cc. 621-22.

¹⁴³ Referring to the activities of the radical ‘corresponding societies’ in particular, Mr. Maconochie argued in the trial of Thomas Palmer that: ‘if there had not been those infamous connexions with France ... there would have been no war’. *ST*, 23, p. 286.

¹⁴⁴ *ST*, 23, c. 589 [Lord Braxfield when summing up the trial of Skirving.].

heinous kind', because they could lead to the 'dissolution of the social compact' and thereby to 'every sort of crime, murder, robbery, rapine, fire-raising, in short, every species of wrong, public and private'. And this was 'no theoretical reasoning', Swinton insisted, 'for we had it exemplified before our eyes, in the present state of France, where, under the pretence of asserting liberty, the worst sort of tyranny was established, and all the legal and moral ties which bind mankind were broken'.¹⁴⁵ The Lord Advocate adopted a similar line in Skirving's trial, where he argued that the 'sole purpose and intention' of the British Convention had not been reform, but the subversion of parliament, and this was to be done by:

a determined and systematic plan and resolution to subvert the limited monarchy and free constitution of Britain, and substitute in its place, by intimidation, force, and violence, a republic or a democracy, as wild, as cruel, as despotic, and as abominable as that which at this moment desolates France.¹⁴⁶

The argument then finally re-emerged at the end of Downie's trial when the Lord President insinuated that the real purpose of the Pike-Plot had been 'to bring this country into the miserable situation of France'.¹⁴⁷ On this account, and with respect to the activities of the British Convention, the prosecution could also produce *indirect* evidence to support its charge.

The allegation was that the delegates at the convention had been copying and imitating so-called 'French forms'. It was outlined in Chapter 1 above how the delegates at the third convention in Edinburgh adopted a terminology taken from the French National Convention by calling each other 'citizens', naming the meetings of the convention 'sittings' and dating their proceedings in the first year of the British Conventions. Some of them also wore a dress and hairstyle similar to the leading French revolutionaries, and the very name of the assembly – the 'British Convention' – bore a striking similarity to the name of the French national assembly. This was anything but an innocent play with words in the prosecution's opinion. The choice of French forms 'carries sedition upon the face of it' argued the Solicitor-General in the opening of the trial against Skirving. Moreover, the minutes of the assembly showed

¹⁴⁵ ST, 23, cc. 233-34.

¹⁴⁶ ST, 23, c. 544. Robert Dundas presented a similar argument in the trial of Margat, c. 709.

¹⁴⁷ ST, 24, c. 187.

the delegates ‘constantly departing from the language of this country, and adopting [a] foreign language; which, I am not a little surprised that any person in this country could have thought of’. The ‘foreign language’ was that of the French Revolutionaries, and Blair found it more than conspicuous that the delegates at the Convention should have chosen to apply precisely that phraseology: ‘which laid the foundation of those scenes of anarchy, - those scenes of rapine, - those scenes of bloodshed, of cruelty and barbarity hitherto unknown in the world, which have desolated that unhappy country, and disgraced it among the nations of the earth’.¹⁴⁸ Blair’s point was supported by Robert Dundas in the trial of Margarot, but while the Solicitor-General had only hinted at a connection between the delegates’ use of French forms and the violence of revolutionary France, the Lord Advocate made an explicit link. He questioned the credibility of the claim that the delegates had intended to pursue their aim of parliamentary reform through legal channels, on basis of their adoption of ‘measures of a very different tendency’. Quite to the contrary – Robert Dundas argued – the delegates present at the British Convention had never intended to conduct their business in a peaceful manner, but: ‘by aping and imitating the example, the language, and the forms of a French convention, a country with whom we are involved in war, they demonstrate their intention of following its footsteps in revolution and in blood’.¹⁴⁹

A similar point was made with respect to the name of the convention.¹⁵⁰ According to the prosecution the chosen title showed seditious intention, and on two different levels. First, it was held that by arrogating to themselves ‘the name of the British Convention of the People’, the delegates were trying to present themselves as ‘the representatives of the inhabitants of Great Britain’. Since the British people were already ‘represented in parliament’, Mr. Blair argued in the trial of Skirving, this could only mean that the delegates intended to erect an anti-parliament or to replace the existing one.¹⁵¹ In Gerrald’s trial, he returned to the same point and argued that

¹⁴⁸ *ST*, 23, c. 487.

¹⁴⁹ *ST*, 23, c. 681. See also: Lord Eskgrove and Lord Braxfield in the trial of Gerrald. Braxfield stated in unequivocal terms that the imitation of French forms demonstrated that the real objective of the convention was ‘to overturn the established constitution’. *ST*, 23, cc. 894-95, 999.

¹⁵⁰ The full title was: ‘the British Convention of the People, associated to obtain Universal Suffrage and Annual Parliaments’. See for example: *ST*, c. 486.

¹⁵¹ *ST*, 23, c. 486.

the name of the convention demonstrated that the delegates had aspired to be ‘the representatives of the great body of the people at large’, which was ‘seditious’ and ‘illegal’.¹⁵² The other reason why the title revealed seditious intention on the part of the delegates was that the very aims it presented – ‘to obtain Universal Suffrage and Annual Parliaments’ – in themselves were seditious. This was held to be true, since either of the two were incompatible with the British political system, as it existed at the present moment. Lord Braxfield stressed the incompatibility of universal suffrage and the British form of government in his summing up of Skirving’s trial, where he argued that it was ‘certainly a very lawful thing to apply to parliament’, but not for a measure which would entail the fall of parliament itself: ‘It was impossible they could ever obtain from parliament universal suffrage, and for a very good reason, it is a thing that cannot exist; a nation could not subsist under such a government’.¹⁵³ Lord Swinton addressed the same issue in Gerrald’s trial, arguing that universal suffrage would be ‘not only inconsistent with the British constitution, but inconsistent with every constitution or government that ever did exist, or ever can exist’, though he was not able to specify exactly *why* this was so.¹⁵⁴

The same argument was resorted to at other times as well, when it was claimed that universal suffrage had only ever been tried in one country – Revolutionary France – and that it should be evident to everyone the disastrous consequences this dangerous experiment had produced there.¹⁵⁵ The prosecution also attacked the notion that universal suffrage had somehow been a part of the settlement emerging from the Glorious Revolution, as some radicals claimed. In the trial of Skirving, the Solicitor-General decided to ‘take it upon me to affirm, that universal suffrage is an idea that never entered the head of those who framed the constitution’, before returning to the point in Gerrald’s trial by asking: ‘was universal suffrage any

¹⁵² *ST*, 23, cc. 935-36.

¹⁵³ *ST*, 23, c. 592.

¹⁵⁴ *ST*, 23, c. 898.

¹⁵⁵ *ST*, 23, c. 487 [Solicitor-General in the trial of Skirving]. A similar argument was presented by Mr. Burnett in relation to Palmer’s handbill, which contained a passage on universal suffrage, and Lord Abercromby held it be seditious to tell people that they have a right to vote, since introducing universal suffrage ‘would unquestionably be tantamount to a total subversion of this constitution’. *ST*, 23, cc. 284, 368 [quote].

part of the constitution established at the revolution?’ The answer to the question was an unequivocal no, Blair insisted, in which he was undoubtedly correct.¹⁵⁶

V *A fair trial?*

The Scottish Sedition trials of 1793-94 have not received a very favourable assessment by the majority of those commentators and historians who have studied them, and they have consequently earned a poor reputation. The main focus of this criticism has been the supposed ‘irregularities’ of the proceedings in court,¹⁵⁷ and this has tended to overshadow the question of whether the defendants had in fact committed sedition according to Scots law (although it can, of course, be argued that it is difficult to assess the verdicts in the trials relative to the law, when the proceedings in court were held to be largely inadequate). Since the prevailing view has been that the appropriate procedures were not adhered to in the trials, it followed that those radicals who stood before the Scottish bench in 1793-94 were not given a fair trial, and that, in this, the Scottish law courts became little more than an extension of the government’s apparatus of repression.¹⁵⁸ While much of this criticism is justified, it will be argued here that it has tended to be a little too general and broad-sweeping, and that some elements of it consequently need to be qualified. This is particularly the case with respect to the role of the prosecution, as distinct from the judges.

Once in court, it was the prosecution’s job to argue in favour of conviction. Whereas it is legitimate to criticise the government’s *political* decision of bringing several leading radicals before the law courts on a charge of sedition, or to point out weaknesses in the arguments presented by the prosecution in the trials, this should be

¹⁵⁶ *ST*, 23, c. 937.

¹⁵⁷ Christina Bewley, for example, has argued that Thomas Muir’s trial ‘bristled with ... irregularities’. Bewley, *Muir*, p. 72.

¹⁵⁸ The tradition of criticising the procedural aspects of the trials was initiated in the nineteenth century by Henry Cockburn, who pointed to numerous examples of ‘injustice’ being committed by the court in all the Scottish sedition trials of 1793 to 1801, and was continued in the early twentieth century by Henry Meikle. More recent historians such as Christina Bewley, John Brims, Michael Fry, and John Barrell have also argued that the procedures at the Scottish law courts left much to be desired. See. Cockburn, *Examination*, i, 144 [example from Muir’s trial]; Meikle, *Scotland*, pp. 133-36, 144-46, Bewley, *Muir*, pp. 68-84; Brims, Ph.D., pp. 425-67, 523-59 [especially pp. 450, 525-26]; Fry, *Dundas*, pp. 170-71; and Barrell, pp. 157-69.

kept distinct from the appropriate *judicial role* of the crown lawyers. It was their task to present the defendant in as unfavourable a light as possible, and to win the case for the government. Some of the criticism which has been levelled against Robert Dundas in particular – it has been argued that the Lord Advocate exaggerated every point he used against the prisoners beyond anything reasonable, that he harassed both witnesses and juries, and that he tried to compensate for his lack of skills as a lawyer by applying a fierce language in court – therefore appears somewhat misguided.¹⁵⁹ If Robert Dundas staged a poor performance in court as a prosecutor, then, that should only have worked to the prosecution's disadvantage. When it did not, it was because of the approach taken by the judges and the juries, rather than the crown lawyers.

Whereas the task of the prosecution and defence was to argue either side of the case before the court, the judges were meant to hold a neutral ground between the two and concern themselves with the due procedures and protocols of the court, as well as matters of the law. In the political trials of the 1790s, however, this was far from being the case. Indeed, a striking feature of the trials against the four British Convention-delegates, John Barrell has argued, was: 'the often virtually indistinguishable arguments of the prosecution ... and the bench ... about the aims and procedures of the British Convention'.¹⁶⁰ This was not limited to the trials against the convention delegates, however. In Muir's and Palmer's trials it was also clear that the bench had sided unequivocally with the government and the prosecution, possibly even before the trials had begun, and in general, the judges agreed with and approved of every single argument presented by the prosecutors.¹⁶¹ Equally consistently, the judges dismissed all the objections presented by the defence in the trials, whether they were well founded in the letter of the law or not. Gerrald's objection to Braxfield's presence on the bench in his trial is perhaps the best example of this. On that occasion, the judges appeared to be far more concerned with protecting their fellow judge – attacking Gerrald for harbouring personal and malicious motives towards the Lord Justice Clerk – than with addressing the legal implications of the objection. Taken together, this evidence seems to point in the

¹⁵⁹ See: Cockburn, *Examination*, i, 91; Bewley, *Muir*, pp. 68, 75-7; and Holden Furber, *Henry Dundas: First Viscount Melville 1742-1811* (Oxford, 1931), pp. 114-15.

¹⁶⁰ Barrell, *Imagining*, p. 157.

¹⁶¹ Braxfield's comments at Mr. Rothead's dinner party is one example, see above, pp. 101, 103-4.

direction of an underhand agreement having been reached between the government and the judges before the trials begun, whereby a carefully choreographed and coached performance could be staged, merely for the purpose of constituting an example of the most bothersome of the radicals.

To date, however, no evidence of such a 'fix' has been discovered, and it is unlikely that the government would have wished to stage trials that risked being viewed as illegitimate by many people. The courts were in any case not under government control. Moreover, it was mentioned above in the discussion of the trials of Watt and Downie, that one major reason for adopting the Commission of Oyer and Terminer was the possibility it provided of removing Braxfield from his position as the presiding judge on the bench. Braxfield's behaviour in the preceding sedition trials – although on his part probably intended to serve the case of the prosecution – had gone beyond what the Dundases and the cabinet wanted, and become an embarrassment. This seems to suggest that there had been no prior agreement between the judges and the authorities, and that the bench was acting entirely on its own accord.¹⁶² To some extent, the Scottish judges could be regarded as having become a bit of a loose cannon, and one which fired a much heavier shell than was necessary or even advisable. The conduct of the trials was therefore not so much a matter of proceedings staged by the government in advance, as of the government's supporters – in this case the conservative judges on the Scottish bench – becoming over-eager in their desire to display their unwavering loyalty to and support for the British state. In doing so, however, they ran into a number of self-contradictions and displayed a staggering degree of inconsistency, which cannot have made these trials less of an embarrassment for the government.

In the trial of Muir, for example, it was held to be an aggravating factor that he had gone about stirring up sedition, at a time when there was considerable unrest in the country, with mobs going on the rampage in the major Scottish towns and cities, while in the trial of Palmer, the argument was turned around. *Now* it was an aggravating factor that Palmer had been attempting to stir up sedition when everything was peace and quiet. As Cockburn argued: 'Muir suffers because the

¹⁶² See above p. 104.

people were in a state of excitement; Palmer because they were not'.¹⁶³ Another example is how Lord Eskgrove dismissed Gerrald's objection to Braxfield's presence on the bench, on the grounds that his lordship's remarks had been made in *private*, whereas in Muir's trial, it was deemed perfectly legitimate to use remarks *he* had made in private as evidence against *him* (see: Annie Fisher's testimony).¹⁶⁴ More serious, perhaps, was the tendency to adapt the legal ramifications of a crime according to the specific circumstances of the trial at hand. While the activities of the British Convention were held to be only 'seditious' in the trials against the four convention delegates, they had become 'treasonable' by the time Watt and Downie were tried. The judges were, however, consistent in always making sure to interpret the law to the disadvantage of the defendant.¹⁶⁵

In a Scottish trial it was not the judges, however, who passed the verdict, but the jury and, although the bench decided on the sentence if the jury returned a verdict of 'guilty as charged', the judges had no direct influence on the question of guilt. As a consequence, John Brims has argued: 'The fairness of the trial depended, in large measure, upon the impartiality and independence of the jury'.¹⁶⁶ In this respect, the system of selection was clearly biased in favour of the prosecution, since the original list of candidates was drawn up by local government officials, but the judges nevertheless had the last word in terms of who would actually sit on the jury. Thus, while the judges could not control the jury once it had been appointed, they had considerable influence upon its composition, and thereby *indirectly* on the verdict it would reach at the end of the trial. Moreover, in the sedition trials of 1793-94, it can hardly be argued that great efforts were made to ensure the selection of an impartial jury, although there was strictly speaking nothing 'irregular' about the manner in which the juries for the different trials had been selected.

When considering the issue of fairness, the Scottish trials do not compare too well in certain respects with those that were conducted before the English law courts in this period either. Mistakes in the libel concerning technical details, of the kind that had been dismissed in the Scottish courts, led to the abandoning of trials south of

¹⁶³ Cockburn, *Examination*, i, 212.

¹⁶⁴ On Braxfield: *ST*, 23, c. 672.

¹⁶⁵ See, for example: *ST*, 23, cc. 513, 628, 672.

¹⁶⁶ Brims, Ph.D., p. 437.

the border on several occasions. The trial against Richard Patmore and Christopher Payne held in Essex in July 1793, for example, was given up because the indictment described Payne's offence as having been committed 'in Colchester', when it should have read 'in the borough of Colchester'.¹⁶⁷ In more general terms it was difficult for the prosecution in England to go ahead with a trial unless it had a good case and solid evidence to support it. Clive Emsley has argued that 'if there was the slightest chance of the man being acquitted the advice was against prosecution'.¹⁶⁸ Sentences for those who were convicted of sedition also appear to have been far more lenient in England. Of the nearly 200 prosecutions for sedition and treason which were conducted before English law courts over the course of the 1790s, the harshest punishment imposed for sedition appears to have been three years imprisonment and five years' security for good behaviour. In most trials, the punishment consisted merely of a fine.¹⁶⁹ On the other hand, it is also clear that the 'packing' of juries was not a phenomenon confined to Scotland alone, as Lord Cockburn argued.¹⁷⁰ The English system provided the choice of trying a case either before a 'common' jury or to call for a 'special' jury if the case at hand was particularly complex. Both options were used, and, according to Emsley: 'several juries during the 1790s, whether special or common, were clearly packed'.¹⁷¹ With respect to 'major' trials against leading radicals, however, the Scottish law courts broke new ground, and provided an example which the authorities hoped to replicate in England.

John Barrell has developed a comprehensive and persuasive argument that the Scottish trials – mainly the two treason trials, but also those for sedition – served as a testing ground for the development of the prosecution's main argument in the later English treason trials.¹⁷² Aspects of this argument have been alluded to in the summary of Watt and Downie's trials above, but more needs to be said. In the two Scottish treason trials, the prosecution had focussed on developing an argument

¹⁶⁷ Clive Emsley, 'An aspect of Pitt's "Terror": prosecutions for sedition during the 1790s', *Social History*, 6 (1982), 169.

¹⁶⁸ *Ibid.*, 162.

¹⁶⁹ *Ibid.*, 159.

¹⁷⁰ Cockburn, *Examination*, ii, 28.

¹⁷¹ Clive Emsley, 'An aspect of Pitt's "Terror": prosecutions for sedition during the 1790s', *Social History*, 6 (1982), 170.

¹⁷² Barrell, *Imagining*, Chapters 4 and 9. On how Scotland served as a testing ground, see: *ibid.*, p. 268.

whereby it could apply the ancient English law of treason to prosecute leading radicals for offences which were defined as ‘modern treason’, the ‘treason of the day’, ‘democratic treason’ or ‘French treason’.¹⁷³ This was far from easy since the old English law – dating back to the reign of Edward III in the fourteenth century – had been designed to deal with the traditional aristocratic regicidal plot. In the days of Edward III, the main internal threat to the state had been perceived to be conspiracies and attempts to kill the king, set in motion by members of the nobility, and the law had been framed accordingly. By the 1790s, however, the government’s view of treason had changed significantly, and in the Scottish political trials of that decade, the prosecution gradually stretched the meaning of the medieval law to comprehend any form of organised activity outside of Parliament, which had as its aim to reform or change aspects of the British system of government. To campaign for political reform in Britain had become treasonable, or as John Barrell has argued: ‘what was not treason in Scotland at the beginning of 1794 would certainly be treason in England by the end of the year’.¹⁷⁴ This re-interpretation of the treason law was achieved by long arguments on what it meant to ‘imagine’ the king’s death, which – together with the Coronation Oath argument – provided the government with the necessary ammunition for prosecuting and hopefully convicting the leading English radicals – or so it was believed.¹⁷⁵ The only problem was that in terms of law, England and Scotland had remained separate countries following the union and, although the law of treason was now the same on both sides of the border, most other aspects of the legal system were not. All the subsequent English treason trials – bar one – therefore failed, and most notably, the prosecution was unable to secure a verdict of guilty against the three leading English radicals, Thomas Hardy, John Horne Tooke and John Thelwall.¹⁷⁶ The Scottish example had clearly failed to make an impact in England.

¹⁷³ See: Barrell, *Imagining*, pp. 275, 283.

¹⁷⁴ *Ibid.*, p. 167.

¹⁷⁵ The implications of ‘imagining’ the king’s death is the main theme of John Barrell’s book, and a summary of most of his work would be required for a proper presentation of the argument. This is beyond the scope of this chapter, and has therefore been omitted. For the Coronation Oath argument, see above, p. 109.

¹⁷⁶ Emsley, ‘An aspect of Pitt’s “Terror”’, 155-56.

In conclusion, the Scottish system – overall – appeared more ruthless than the English in terms of convicting those who were charged with political offences. Not only were the radicals convicted of sedition by Scottish courts given far more severe sentences than in England – for what was essentially the same crime – but the Scottish courts also produced two convictions of treason, before the prosecution had properly developed its argument. The completed argument then failed spectacularly to produce convictions for similar offences in England, and even after the government's failure in the English courts, the Scottish courts continued to deliver the results the government wanted.¹⁷⁷ It was therefore the Scottish courts, not the English, which proved to be the more useful weapon for the government and the British state in the 1790s. Yet, in some respects the efficiency of the Scottish legal system could clearly be a double-edged sword. The popular outrage following Muir's trial, for example, was probably bad news seen from a propaganda point of view, while the acquittals of the leading English radicals may have had a positive propaganda effect for the government in the long run, since these trials seemed to demonstrate that Hardy, Tooke and Thelwall were protected by those constitutional liberties they claimed to have been denied.¹⁷⁸ Nevertheless, the government would undoubtedly have preferred conviction, and this the Scottish courts produced.

While the political trials was the single-most important instrument in the government's defeat of the domestic challenge of radicalism, the main issues concerning the Scottish government with respect to the war-effort were the recruitment of men for armed service and the financing of the war. These issues will be addressed in the following two chapters.

¹⁷⁷ See: Appendix: B.

¹⁷⁸ See: Robert R. Dozier, *For King, Constitution, and Country: The English Loyalists and the French Revolution* (Lexington, KY, 1983), pp. 168-69.

Chapter 4

Military Recruitment

Britain's entry into the war on 1 February 1793 presented the British government with the usual eighteenth-century problem of having rapidly to augment its armed forces from their low peacetime numbers, since – in peacetime – Britain maintained a very small military establishment by the standards of most contemporary European powers.¹ In 1792 the strength of the British army was in the region of 45,000 men, and there were fewer than 31,000 militiamen in England and Wales. No militia force existed in Scotland, and the Irish militia had been allowed to lapse.² The Royal Navy was in better shape, having enjoyed substantial spending on ships-of-the-line by the Pitt government following the American War of Independence and, although the majority of battle-ships were not in commission, the navy could be mobilised to full strength at relatively short notice. In addition to all the usual rigours of bringing the armed forces up to strength, however, the outbreak of war in 1793 also presented the British state with the new phenomenon of mass-arming and a mass army, in the form of the introduction of conscription in France in the late summer of 1792, and the subsequent *levée en masse* in the autumn of the same year. Supposedly consisting of soldiers fighting for themselves and in their own interest, the new French mass armies which repulsed the allied counter-offensive in November 1792, opened up a whole new scenario of warfare where the old professional and relatively small armies of the eighteenth century would soon be rendered obsolete. The response of the British government was eventually to create – or at least to attempt to create – what J. E. Cookson has labelled an 'armed nation', in which the whole population would be drawn upon for defensive purposes.³

¹ See: John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (London, 1989), pp. 31-42; and Andrew Mackillop, *'More Fruitful than the Soil': Army, Empire, and the Scottish Highlands, 1715-1815* (East Lothian, 2000), p. 66.

² Clive Emsley, *British Society and the French Wars 1793-1815* (London, 1979), pp. 11-12; and J. R. Western, 'The Recruitment of the Land Forces in Great Britain 1793-99', unpublished Ph.D. thesis (University of Edinburgh 1953), p. 8.

³ J. E. Cookson, *The British Armed Nation 1793-1815* (Oxford, 1997). In 1798, when the prospect of a French invasion was at its most unnerving, Henry Dundas and William Windham had agreed that 'becoming an armed nation was necessary for national survival'. *Ibid.*, p. 2. This strategy was not, however, without its risks. As Linda Colley has argued: 'to beat the French, the British had been

This emphasis on a ‘national defence’ was, however, also linked to another serious, though not so novel aspect of the French Revolutionary Wars – the threat of a French invasion of the British Isles. With repeated French attempts at landing forces in Ireland, plans for an invasion of Scotland and the assembling of the ‘Army of England’ on the French Channel coast in 1798, the menace of invasion posed a grave, persistent and long-lasting threat to the British state.⁴ Over the course of the decade, and as the war progressed, the necessity of building up an extensive defence against invasion therefore became increasingly pressing, and nowhere was this more apparent than in Scotland, where the absence of a militia force seemed to create an alarming gap in the line of defence. The focus of this chapter is on the issues of recruitment in Scotland for the regular armed forces and for the internal defence forces. Emphasis has been placed on the build-up of the defence forces, since this was the more complex problem for the government of Scotland in this period.

I

The recruitment of regulars

The British government did not pursue a consistent recruitment policy throughout the whole of the 1790s, but changed its priorities in accordance with the developing nature of the war. In the early stages of the conflict, from 1793 until 1795, emphasis was placed on bringing up the strength of the regular army, and the number of soldiers in the line was more than doubled – all of them recruited by ordinary enlistment.⁵ Then, in 1795, following several serious set-backs and failed campaigns on the Continent, the government revised its policy away from offensive campaigns in Europe and towards a focus on raising forces for invasion defence, since the assumption now was that Britain would have to fight a defensive war, and would probably also have to face a French invasion attempt at some point in the near

required to imitate the French, and the challenge this presented to its old order was potentially corrosive’. Linda Colley, *Britons: Forging the Nation 1707-1837* (London, 1996), p. 336.

⁴ For a discussion of the French plan to invade Scotland, see: chapter 1, pp. 38-9.

⁵ According to J. R. Western’s estimates, the British Army stood at 130,000 men in the spring of 1795, which represented the ‘peak of endeavour’ in recruiting terms so far in the war. This figure, however, also included fencible regiments, Western, Ph.D., p. 7. See also: Andrew Mackillop, *‘More Fruitful than the Soil’: Army, Empire and the Scottish Highlands, 1715-1815* (East Lothian, 2000), p. 113.

future.⁶ As a consequence of this shift in policy, recruitment for the regular army was given a lower priority and the army establishment was allowed to contract slightly, while the forces for internal defence were built up.⁷ Once the most immediate threat of invasion had subsided by the summer of 1798, however, and Nelson's spectacular victory at the mouth of the Nile in August had opened up the possibility of a renewed offensive from the allies, the government changed its policy again, and shifted its focus back to building up the regular forces. This time the augmentation of the line regiments was intended to be based largely on voluntary enlistment from the ranks of the defence forces, the Fencibles, Volunteers and Militia.⁸

i) The Army

The first phase of recruitment for the line followed much of the same pattern as it had done in previous wars. The raising of new, and the augmenting of old, regiments was left largely to their commanders and to recruiting parties, which meant that the whole enterprise of enlisting the men rested in private hands, with no overall governmental policy for recruitment. As Clive Emsley has argued, 'there was no inspector-general for recruiting when war commenced, nor for some time after', and 'no satisfactory method of examining the fitness of recruits' had been developed either. Recruitment parties often competed for recruits in the same areas, and many recruiters did not come from established regiments, but were professional agents – so-called 'crimps' – who tended to use methods on the very borderline of the law to obtain the men they sought. Viewed as corrupt and dishonest, the recruiting service was as unpopular with the public at large, as was service in the army itself.⁹ During the first half year of the war, the policy for expanding the army remained tentative and cautious. Recruitment was limited to augmenting already existing regiments, or

⁶ Although offensive operations in Europe were suspended, the government continued to launch colonial attacks in the West Indies. See, for example: Ian R. Christie, *Wars and Revolutions: Britain 1760-1815* (London, 1982), pp. 229-34.

⁷ J. R. Western has estimated that the strength of the regular army had been reduced to about 100,000 men by 1797-98 (this figure also included fencibles). Western, Ph.D., p. 7.

⁸ *Ibid.*, pp. 5-12.

⁹ Emsley, *British Society*, p. 36. As a consequence of the disorganised and unprofessional mode of recruiting, many of the troops raised were very far from prime soldier material. Part of the Duke of York's British force in the Flanders campaign of 1793-95, for example, was described as 'totally unfit for service'. Christie, *Wars and Revolutions*, p. 230. For a more extensive discussion of the negative aspects of the recruitment system, see: Western, Ph.D., pp. 1, 93-102.

to raising new independent companies, which were then meant to be absorbed by these regiments. From September 1793, however, the raising of entirely new regiments was commissioned and enlistment began to gather pace.¹⁰ The Scots took a full part in this early recruitment drive and, in Scotland, the government's recruiting efforts in this period retained a strong and persistent focus on the Highlands.

The government's particular interest in the Highlands for recruiting purposes dated back to the defeat of the Jacobite rebellion of 1745-46. Andrew Mackillop has demonstrated that one of the main effects of the rebellion was to prove to the authorities the martial qualities of the Highlanders, and to convince them that the best way of defusing the rebellious tendencies of the region was to enlist large numbers of young clansmen for military service in the British army – thereby physically removing them from the area.¹¹ The martial qualities of the Highlanders were soon demonstrated in the regular army, and gradually, the military establishment came to take a particular interest in the Highlands as prime recruiting ground for the armed forces.¹² This view was shared by central figures in the government such as Henry Dundas, who was particularly intent on keeping the region over-populated and thereby able to provide a steady supply of recruits.¹³ As Andrew Mackillop has argued, the Highland policy Henry Dundas set out amounted to 'using the region as a nursery for the army', and in this he was in line with most

¹⁰ Western, Ph.D., pp. 5-6. Andrew Mackillop has argued that this was a period when 'unprecedented numbers of regiments were in the process of formation'. Mackillop, *More Fruitful than the Soil*, p. 113.

¹¹ *Ibid.*, pp. 12, 44, 57-8, 75, 237. Mackillop has argued that the 'assault on clanship after 1746' was 'intense but short-lived', and that in the longer run the authorities took a more calculating and pragmatic approach to the traditions of the Highlands, seeing the proven martial spirit of the Highlanders as a resource which could be channelled in a direction favourable for the Hanoverian regime. Andrew Mackillop, 'Military Recruiting in the Scottish Highlands, 1739-1815', unpublished Ph.D. thesis (University of Glasgow, 1995), p. 364. The Border region, by comparison – which had many similarities with the Highlands in terms of economy and climate – 'lacked what the Highlands did not – clear and recent evidence of militarism in the form of the 1745 uprising'. *Ibid.*, p. 51. See also: Mackillop, *More Fruitful than the Soil*, pp. 41, 50-1, 58, 75.

¹² This interest was only strengthened by the by the relative ease with which soldiers could be raised within the clan framework, as well as the general perception of the Highlands among contemporaries, which was that the region was lagging behind the rest of Scotland in economic development, and that, unlike other parts of Scotland, men could be removed from there without inflicting any particular damage to its economy. Mackillop, *More Fruitful than the Soil*, pp. 216-17; and Stanley Dean MacDonald Carpenter, 'Patterns of Recruitment of the Highland Regiments of the British Army, 1756 to 1815', unpublished MLitt thesis (University of St. Andrews, 1977), p. 1.

¹³ He gave this intention a clear demonstration as early as in 1775, when he secured a temporary ban on emigration from the Highlands. Mackillop, *More Fruitful than the Soil*, pp. 180, 193, 195. The ban was to stay in place for the duration of the war only. Mackillop, Ph.D., p. 227.

contemporary military planners, who tended to see the region as ‘something akin to a recruiting reservation’.¹⁴

The favourable qualities of the Highlands – as seen from the government’s point of view – were even more conspicuous at the beginning of the 1790s than they had been before. Populated mainly by predominantly Gaelic-speaking clansmen, who were still used to a life within a social structure where the authority of the chief was not questioned, the Highlands was believed to be far less likely to become infected with radicalism than most other parts of Scotland. The advantages this held for military recruitment was not lost on the authorities and, when radicalism seemed to be spiralling out of control in the Lowlands in the spring of 1792, Henry Dundas was determined to prevent it from spreading north. If the region could be kept as isolated as possible from the Lowlands, then, not only would the government retain its source of first-rate recruits, but it would also be able to draw upon soldiers which could be safely deployed to suppress popular disturbances elsewhere.¹⁵ In the event, the Highlands *did* remain largely unaffected by radicalism, and this only made Dundas even more convinced of their value as a recruiting resource.¹⁶ To the very end of the 1790s, he retained the view that the Highlands were ‘an underutilized resource of men and the Highlander superior soldier material, especially in comparison with townsmen’.¹⁷ The latter point may well have been true, but the first was certainly not, since the government’s recruitment drive in the Highlands was in fact a remarkable success. Stanley Carpenter has estimated that as many as 70,000 Highlanders may have served in the British army between 1793 and 1808, which amounted to approximately fourteen per cent of the total male population in the region.¹⁸ Although more conservative estimates have later reduced this number to fewer than 50,000, it is none the less clear that the Highlands provided a higher proportion of

¹⁴ Mackillop Ph.D., pp. 127, 227; and Mackillop, *‘More Fruitful than the Soil’*, p. 236 [second quote].

¹⁵ Cookson, *Armed Nation*, p. 35.

¹⁶ See, for example: Western, Ph.D., p. 252. The one notable popular disturbance that occurred in the Highlands in the 1790s – the Ross-shire riot of 1792 – had, as we have seen, little to do with radical influences, see: chapter 2, pp. 47-50.

¹⁷ Cookson, *Armed Nation*, p. 137.

¹⁸ Carpenter, MLitt, pp. 75-6.

men for armed service than any other part of Great Britain.¹⁹ Indeed, so efficient was the recruitment of Highland soldiers in the period 1793 to 95, that the supply of men soon showed signs of being exhausted. In the second half of the decade the over-recruitment of the region could be seen most clearly in the diminishing number of Highlanders serving with the Highland regiments, which were increasingly coming to rely on Lowland recruits to replace their rank-and-file. By the end of the war, a number of these regiments had such a high proportion of non-Highlanders serving with them, that they were ordered out of the kilt and lost their identity as Highland regiments – at least for a period of time.²⁰ Another indication of the depletion of manpower resources was the low return of eligible men on the militia-lists submitted from the Highland counties in 1797, and the consequently small quotas set for these counties, when compared to those for the Lowlands.²¹ None the less, the Highlands retained the attention of the government, and gradually also became symbolic of both the increasingly admired martial qualities of the Scots and of Scotland's specific contribution to the war effort of the British state.²² The region was, however, not alone in Scotland in providing large numbers of men for armed service. Although the Highlands may have contributed more men than any other part of Scotland – when measured against the proportion of the total Scottish population living there – in *absolute* terms, the lion's share of troops was in fact increasingly being raised elsewhere. J. E. Cookson has argued that by the time of the Napoleonic wars, Scottish regiments had become 'predominantly lowland in substance, if not in spirit', and even if the Lowlanders may have hoped to appropriate the Highland image for themselves in this period, their readiness to do armed service was as much a consequence of a general Scottish phenomenon as of any new-found admiration for Highland traditions.²³

¹⁹ According to Andrew Mackillop's estimates, the number of Highlanders doing armed service in the period 1793 to 1815 was in the region of 37,000 to 48,000, while the total population of the region was approximately 250,000 to 300,000. Mackillop, *'More Fruitful than the Soil'*, p. 236.

²⁰ Carpenter, MLitt, pp. 81, 91, 100-5; and Cookson, *Armed Nation*, pp. 129-30. The regiments that lost their Highland title were the 71st, 72nd, 73rd, 74th, 75th, 91st and 94th. See also: Western, Ph.D., p. 9.

²¹ Carpenter, MLitt, p. 42. The militia quotas are included in Appendix: C.

²² The Highland soldier's status as the very symbol of Scotland's contribution to the war effort was given its clearest demonstration when the Black Watch was paraded through London to cheering crowds on its return from the Egyptian campaign of 1801 – a campaign in which the Highland regiments had played such a prominent part. Cookson, *Armed Nation*, pp. 149-50.

²³ *Ibid.*, pp. 129, 137-38.

Since Scotland was a poorer country than England, both in absolute and relative terms, and the Scots therefore were – on average – less wealthy than their southern neighbours, military service had always presented itself as a more attractive career prospect, or means of livelihood, to Scots, than it did to most Englishmen. This was particularly the case for the Scottish gentry and aristocracy, who ever since the union of 1707 had grasped eagerly for commissions in the army, but it was also the case that a greater proportion of ordinary people in Scotland than in England had served with the armed forces – and this trend continued into the 1790s.²⁴ Figures calculated by J. E. Cookson indicate that Scotland was ‘grossly over-represented’ in the officer corps and to some extent also in the army’s rank and file during the Revolutionary and Napoleonic wars. With about 15 per cent of the British population living in Scotland, Scots held about a quarter of all commissions, and one-sixth of the regular soldiers were Scottish.²⁵ Whether seen as a career opportunity for impoverished Scotsmen, or as a disproportionate burden carried by the Scots, it is clear that Scotland provided men for service in the army out of proportion to her share of the total British population.

The Scottish contribution was, however, steadily declining over the course of the decade, and this was no doubt to some extent due to the high early outtake of recruits, which left fewer men to be enlisted at a later stage. It certainly appears to have been the case that the Scottish contribution was proportionately lower during the second round of recruitment for the line regiments – when emphasis was placed on ‘voluntary’ enlistment from the ranks of the defence forces – than in the early phase of the war. Some success was had in making Scottish fencible forces and volunteers enlist for extended service in the regular army,²⁶ but enlistment from the Scottish militia was given up on the grounds that the men were ‘too raw to make it worth while and the force ... so small that a further reduction would cause it to

²⁴ For a detailed discussion of the disproportionate Scottish involvement in both the armed forces and the imperial service, see: Linda Colley, *Britons: Forging the Nation 1707-1837* (London, 1992), chapter 3: ‘Peripheries’, particularly pp. 122-40. See also: Carpenter, MLitt, p. 16.

²⁵ Cookson, *Armed Nation*, pp. 126-27.

²⁶ Extension of service was first attempted with the Scottish fencible regiments as early as in 1794, but was not a success at this point. See section II below.

disintegrate'.²⁷ Voluntary enlistment into the line was begun in 1798,²⁸ when the Scottish militia force was only in the process of being raised, and the returns for it were also significantly smaller than the government had anticipated.²⁹ This meant that those men who had been balloted would have to remain in the force if there was to be a militia establishment of any sort in Scotland.

ii) The Royal Navy

Recruitment for the navy was less systematic than for the army, and rested primarily on the use of 'impressments' and on the issuing of bounties to volunteers. The first of these two recruiting techniques was organised by the Impressment Service, which issued warrants to so-called 'press gangs' – groups of sailors under the command of an officer, who had authorisation to seize 'idle persons' for service in the Royal Navy. Operating from smaller warships, press gangs would normally be landed in ports or towns and villages on the coast, where they would attempt to force or 'impress' local able-bodied men – preferably seamen – into naval service. The impressment system was hugely unpopular with people at large, and the inhabitants of the towns or ports where press gangs appeared would often do their best to obstruct these attempts at enlisting local men. In doing so, they occasionally received more or less open assistance from local government officials who either sympathised with their opposition to impressments, or wished to avoid antagonising the local population. For the Impressment Service, this was an enduring problem since, before a press gang could act legally, it needed to have its warrants countersigned by the local authorities in the town or port where it had landed.³⁰ When this was not forthcoming, the situation could easily deteriorate into an open conflict between the

²⁷ Western, Ph.D., p. 319. Almost all volunteer corps agreed to extend their service after they had been embodied for some time, and in 1799, the decision was made that Fencible regiments would either have to agree to serve at least in Ireland, or be disbanded. *Ibid.*, pp. 286, 292. For Western's general discussion of extension of service, see: *ibid.*, chapter 10 and 11.

²⁸ The Act authorising the line regiments to enlist men from the militia was passed in January 1798. *Ibid.*, p. 313.

²⁹ See section V below.

³⁰ Kenneth Logue, *Popular Disturbances in Scotland, 1780-1815* (Edinburgh, 1979), p. 121.

sailors on the one hand, and the local residents and magistrates on the other, of which the famous incident from Campbeltown in 1795 is a particularly poignant example.³¹

As an alternative to impressments, the issuing of bounties to volunteers for navy-service was therefore the preferred means of recruitment among local magistrates and the people in general. In the 1790s, many Scots took the consequence of this view and contributed money out of their own pockets to subscription campaigns aimed at raising funds for bounties, in the hope that this might prevent the necessity of issuing press warrants in their localities. Although the central government does not appear to have devised any national policy on the issuing of navy-bounties out of public funds, local authorities were increasingly offering bounties themselves and, in Scotland, the initiative in this respect was taken by the Edinburgh Town Council and the Lord Provost, Thomas Elder, who issued a bounty already in late December 1792.³² By 1795, however, the dual system of press gangs and local bounty-offers had evidently become insufficient in terms raising the necessary number of men for naval service, as the government now decided to introduce a coordinated and nation-wide policy for naval recruitment.

Passed by Parliament as three separate Navy Acts in March and April 1795, the new scheme set up a system of quotas, specific to each locality, and due to be administered by the local authorities. Enlistment for service was voluntary, but the set quota had to be filled none the less, and the responsibility of raising the necessary funds to pay for bounties rested with the local government officials. In the case of the first two acts, which concerned the English counties and the ports in the whole of Britain respectively, special commissioners were to be appointed for this task, while the third act, which related to the counties, stewartries, royal burghs and towns of Scotland, stated that ‘the Clerks of the Peace’ were to administer the enlistment of navy recruits in conjunction with the local justices of the peace.³³ The final lists of

³¹ For further detail on the Campbeltown incident, see the discussion on interaction between local and central government in chapter 2, pp. 75-6.

³² A discussion of the practice of awarding bounties to volunteers for armed service, in the navy or land forces, can be found in chapter 6, pp. 281-89.

³³ *Statutes at Large*, xvii, 35 George III – 38 George III, 1795 – 1798 (London, 1798), Chapter 5, ‘An Act for raising a certain Number of Men, in the several Counties in *England*, for the Service of his Majesty’s Navy. – [5th March 1795.]’; *Ibid.*, Chapter 11, ‘An Act for procuring a Supply of Men from the several Ports of this Kingdom, for the Service of his Majesty’s Navy – [16th March 1795.]’; and *Ibid.*, Chapter. 29, ‘An Act for raising a certain Number of Men, in the several Counties, Stewartries,

quotas had been completed by the time the acts were passed by Parliament, and they were consequently included with the main text of the legislation. For the two acts which applied to Scotland, it emerges that 31 Scottish ports were due to raise a total of 2627 men, while 110 places listed under the third and last act were to raise 1814 recruits.³⁴ Compared to the numbers raised for land service, these figures cannot be said to have been very significant, but the local authorities whose task it was to fill the quotas, nevertheless had to give out very large bounties in order to attract the necessary number of volunteers.³⁵

II *The Fencible Regiments*

Although the augmentation of the regular armed forces was emphasised in the early part of the war and the main focus was on military action abroad, the threat of a French invasion was also realised and taken seriously from the very beginning of the conflict. In Scotland, the invasion defences were in a particularly poor state – mainly because of the absence of a militia force there – and this meant that a build-up of the defensive forces north of the border was emphasised from the outset. Initially, Henry Dundas and the government had wished to set up a Scottish militia force, similar to that which already existed in England, but when this failed, they proceeded to strengthen the traditional Scottish defence force, the fencibles, instead.³⁶

Royal Burghs, and Towns, in that Part of *Great Britain* called *Scotland*, for the Service of His Majesty's Navy. [28th April 1795.]

³⁴ The complete lists of places and quotas are included in Appendix: D.

³⁵ Bounties as high as 26 pounds were offered to able-bodied seamen, see: chapter 6, p. 286.

³⁶ Fencible units were first instituted in Scotland in 1759 as a compensation for the refusal to grant a militia force to Scotland, and four regiments were raised on condition that they would not be moved out of the country, unless in the event of an actual invasion of England, and that the soldiers were not to be drafted into the regular army. The most distinct aspect of the fencible regiments, therefore, was that they were intended for home service only, but otherwise they were not entirely dissimilar to the regular army. Raised by the more prominent and wealthy Scottish noblemen, the fencibles were embodied full-time and in permanent pay, unlike the militia, which was not always in pay, and which was raised by government officials through compulsion and a ballot-system. The fencibles were none the less classified as 'militia', and up until the 1790s they effectively served as a Scottish militia force, being further augmented with new regiments in 1778. When the need to upgrade the Scottish invasion defences re-emerged with the outbreak of war in February 1793, the raising of new fencible corps therefore presented itself as the most straight-forward option for the government. John Robertson, *The Scottish Enlightenment and the Militia Issue* (Edinburgh, 1985), p. 136; Mary Margaret Lodge, 'The Militia Issue: The Case of the Buccleuch Fencibles, 1778-1783', unpublished MLitt thesis (University of Edinburgh, 1985), pp. 56-9, 65-80; and Western, Ph.D., p. 3.

The initial plan was for six regiments of eight companies each to be raised,³⁷ but eventually a total of nine battalions, divided into seven regiments were commissioned and embodied over the course of that same year. A further sixteen regiments were raised the following year, together with a few units of fencible cavalry, and over the period 1793 to 95, Scotland enlisted no fewer than 15,000 men in fencible regiments.³⁸ Another nine fencible corps were raised over the course of 1798 and 99, at the same time as the militia was in the process of being embodied, and these corps held a strength of about 600 men each.³⁹ Together with the roughly 5500 men raised for the Scottish militia, this amounted to a defensive force, proportionately no smaller than the English supplementary militia of 1796-97.⁴⁰ The raising of fencible units on such a scale undoubtedly contributed to the exhaustion of manpower reserves north of the border, and therefore also to Scotland's disproportionate supply of men for armed service.⁴¹

Although the first nine battalions which were commissioned in 1793 had been raised quickly and successfully, these units soon created serious difficulties for the authorities in Scotland.⁴² The root of the problem lay with the government's decision to alter the fencibles' conditions of service, only shortly after they had been embodied, and without consulting the soldiers first. The nine battalions raised in 1793 had been enlisted on the same terms as earlier fencible troops, which meant that they could *only* be ordered to serve outside Scotland, in case of an invasion elsewhere on the British Isles. In 1794, however, there was a short-lived invasion scare in England, and the government decided to move Scottish troops south, in order

³⁷ *The Times*, 13 Feb. 1793; and *Edinburgh Advertiser*, 15-19 Feb. 1793. During the debates in the House of Commons, Henry Dundas was asked by Major Maitland MP if the raising of fencible regiments meant that he had given up the idea of a Scottish militia. At this point Dundas replied in the negative. *Ibid.*

³⁸ Cookson, *Armed Nation*, p. 28; and J. R. Western, 'The Formation of the Scottish Militia in 1797', *Scottish Historical Review*, 34 (1955), 7.

³⁹ Although the new fencible regiments of the 1790s were also raised and commanded by prominent Scottish noblemen, the quick embodiment of these units must have been – in some degree – due to the voluntary offers of troops made by several counties. For a discussion of the voluntary offers, see: chapter 6, pp. 281-89.

⁴⁰ Cookson, *Armed Nation*, p. 127, and note. 7; and J. R. Western, *The English Militia in the Eighteenth Century: The Story of a Political Issue 1660-1802* (London, 1965), pp. 219-22.

⁴¹ The raising of so many troops for service in fencible regiments may explain why the later returns for the Scottish Militia were so meagre.

⁴² The regiment raised by the Earl of Breadalbane, for example, was completed as early as in April. *Edinburgh Advertiser*, 19-23 April 1793.

to strengthen the defences against invasion there. When the soldiers in the Scottish fencible regiments were asked to ‘volunteer’ for this service, many of them mutinied against an order they held to be in breach of their contract.⁴³

There were two ways in which the fencible soldiers saw their contract as having been broken. The more obvious reason was that no actual invasion had yet taken place in England and it was therefore not legitimate to remove any soldiers from Scotland. Such concerns appear to have been the cause of the mutiny in the 1st or Strathspey Fencibles stationed at Linlithgow. Their commander reported to Lord Adam Gordon that upon being briefed about the scheme of going to England, a party of soldiers in his regiment who refused to comply had run off and seized Linlithgow Palace. When an officer had been sent over to negotiate with them, he had received the reply that they ‘would not depart from the place they were in, till they had a Letter under my hand, that such a proposition should never be again made to them unless in case of Actual Invasion’.⁴⁴ A similar point about the absence of an ‘actual invasion’ was stressed by a number of the soldiers in the 4th Regiment when they were presented with the plans,⁴⁵ and it was also mentioned by those in the Earl of Hopetoun’s regiment who opposed being sent to England a few days before the mutiny at Linlithgow.⁴⁶ The other, and perhaps more important reason, was concerned with the small print of the contracts signed by the fencibles, and at first sight appears far more obscure.

When Lord Adam Gordon had been requested by the government to mobilise a detachment of Scottish fencible forces for the defence of England, he had decided that – in order to save time – half of the troops should be sent by ship rather than

⁴³ Logue, *Popular Disturbances*, p. 77. Lord Adam Gordon devised the final plan, whereby four Regiments were to provide 500 men each for the expeditionary force, NAS, RH2/4/75, f. 192, Adam Gordon to Henry Dundas, Edinburgh, 2 March 1794. Initially, however, all seven regiments were ‘consulted by their officers ... as to their willingness to submit to this service’. To make the offer more tempting, every volunteer was to receive a bounty of one guinea. Western, Ph.D., p. 289.

⁴⁴ NAS, RH2/4/75, ff. 329-30, Copy Colonel Sir James Grant to Lord Adam Gordon, Linlithgow, 21 March 1794.

⁴⁵ *Ibid*, f. 345, Copy Letter Lieut. Col. Macdonal (2d Batt. 4th Fencible Regt.) to Lord Adam Gordon, Musslburgh [sic], 24 March 1794.

⁴⁶ In the case of Hopetoun’s regiment, however, the absence of invasion was not the main reason for opposition, and in this regiment the problem was resolved very quickly anyway. *Ibid*, f. 295, Copy Letter Colo. Lord Hopetoun to Lord Adam Gordon, Banff, 14 March 1794.

march all the way down to England.⁴⁷ Transportation by sea would also have the additional benefit of saving the troops from ‘a long and tedious march’, Gordon thought.⁴⁸ Although probably well-meant, this decision was an invitation to trouble, as the Duke of Gordon – who commanded the 6th or Northern Fencible Regiment – found reason to warn his uncle:

I don’t much like the Idea of Detachments going from the Fencibles, and I wish the Men may not think so too; I am also certain, if my Regiment, or 500 of them ... had been asked to *March* into England they would readily go, but whether they will *Boat*, is more than I can answer for.⁴⁹

Gordon’s view was supported by the Earl of Hopetoun – commander of the 7th or South Regiment of Fencibles stationed at Banff – who argued that for the soldiers to embark on a ship ‘does not fall within our Agreement’.⁵⁰ Subsequent events showed that the two commanders were justified in their apprehension, and in expressing these warnings. Most of the reports on the mutinies that followed stressed the men’s opposition to transportation by sea, and pointed out that in many cases, those who had staged the mutiny were perfectly happy to march south into England. Lieutenant Colonel Donaldson of the 3rd Regiment, for example, wrote of the mutineers in his unit, ‘that they would never Embark, that they would March to any part of England, but Embark they would not’.⁵¹

There are two main explanations for this hostility against going onboard a ship. The majority of the fencible troops which had been raised in 1793 were Highlanders, and the contemporary perception was that Highlanders had ‘a natural aversion to the sea’, as well as being ‘extremely jealous of any infringement on what

⁴⁷ NAS, RH2/4/75, f. 192; and John Prebble, *Mutiny: Highland Regiments in Revolt 1743-1804* (London, 1977), p. 277.

⁴⁸ NAS, RH2/4/75, f. 300, Draft to Lord Adam Gordon, Whitehall, 18 March 1794 [this letter was probably written by Henry Dundas, and makes references to earlier statements by Gordon].

⁴⁹ *Ibid.*, f. 273, The Duke of Gordon to Lord Adam Gordon, Fort George, 8 March 1794 [original italics].

⁵⁰ Hopetoun also pointed out that the absence of a scheme to provide for the families of those Fencibles who would be sent down south could become a ‘chief Obstacle’ to the whole operation, but there is little evidence that this particular concern materialised. *Ibid.*, f. 271, the Earl of Hopetoun to Lord Adam Gordon, Banff, 9 March 1794.

⁵¹ *Ibid.*, ff.285-6, Copy Letter Lt. Colo. Donaldson of the 3d. Fencible Regiment to Lord Adam Gordon, Inverness, 12 March 1794. Other examples in: *ibid.*, ff. 269, 295, 304, 319, 357.

they consider their rights'.⁵² If their 'Agreement', as the Earl of Hopetoun had phrased it, stated that the soldiers could not be sent by sea, then the authorities were now breaking their promises, and tossing the 'rights' of the soldiers aside. Perhaps more convincing is an alternative explanation which has been developed by John Prebble, based on his studies of the British government's earlier deployment of Scottish fencible forces. In Prebble's view, 'past breaches of faith' by the government – when fencible soldiers had been lured onboard ships under false pretences and shipped off to the West Indies only to die of tropical fevers or be disbanded there – were still vivid in the memories of Highlanders, and made them wary and suspicious of going onboard any ship.⁵³ Moreover, when England had not yet been invaded, and there were perfectly good roads to march on, what other aim but to 'betray' the fencibles could the government have for insisting on transportation by sea?⁵⁴ These past experiences of previous Highland units do not, however, explain why soldiers in the two Lowland regiments were hostile to going onboard a ship, but reports on the West Lowlanders may provide some explanation. The mutineers in the 3rd Regiment, Donaldson wrote, 'have it amongst them that they are Sold, that the greatest number of the Officers have either Sold or given up their Commissions, & all we can say to the contrary will not convince them'.⁵⁵ Although he did not state so directly, Donaldson's observation seems to indicate that the fencibles feared being drafted into line regiments. Another report offers a different explanation. The government suspected the involvement of the Friends of the People or other political radicals in the mutinies, and in the case of the West Lowland Regiment at Inverness, this suspicion may well have been justified. The Lord Provost of Inverness wrote that: 'We fear it is not without cause that the Soldiers blame of the Inhabitants for having misled them by artful misrepresentations of the intentions of Government & of their

⁵²This statement about Highlanders was made by Pryse Lockhart Gordon, an officer in the 6th or Northern Fencibles [commanded by the Duke of Gordon], Prebble, *Mutiny*, p. 276. [Unfortunately, John Prebble did not provide a reference for the original source he consulted.]

⁵³ Prebble, *Mutiny*, pp. 277-8 [see chapters 1 and 2 for Prebble's account of earlier Fencible Regiments]. See also: Logue, *Popular Disturbances*, p. 77.

⁵⁴ *Ibid.*, pp. 282-3.

⁵⁵ NAS, RH2/4/75, ff. 285-6. Similar views appear to have been held by the Gordon Fencibles. Western, Ph.D., p. 290.

Officers, which occasioned their reluctance at first to embark'.⁵⁶ A final possibility is that all of these factors played a role. The commander of the Strathspey regiment certainly seemed to have thought so, when he summed up the mutiny by stating:

The Idea of going by Sea, the exaggerated accounts they had got of the Conduct of other Fencible Regiments, which was industriously spread amongst them by evil minded people, & there being no actual Invasion at the Time, first sat them wrong, & gave rise to a number of false imaginations which they seem now ashamd of.⁵⁷

Although the mutinies represented a very serious breakdown of order and discipline within the armed forces,⁵⁸ there are few signs that the grievances held by the soldiers went much beyond the actual breach of contract, or that they were prepared to side with the political radicals and place themselves in more long-term opposition to the government. One factor pointing in this direction was the relatively brief duration of the 'proper' mutinies – those in which the soldiers not only refused to volunteer, but also resorted to violence. The first violent mutiny had broken out in the West Lowland Fencibles at Inverness on 12 March, and was quickly followed by the other Lowland regiment at Banff two days later. But the mutineers in the Banff Fencibles seem to have changed their mind the same day,⁵⁹ and by 19 March the West Lowlanders had 'come quite around', acknowledged the 'badness' of their behaviour and were now 'willing to Embark'.⁶⁰ Of the five Highland regiments, only the Strathspey Fencibles reacted violently to the request for volunteers, and after nine days of insurrection they also changed their minds and were prepared to march

⁵⁶ NAS, RH2/4/75, ff. 339-40, William Mackintosh Provost (and Bailies: William Inglis, James Shaus [?], Alexander Mackintosh, Thomas Young and John Mackintosh, and Gen. Sir Hector Munro of Novar KB, MP) to Henry Dundas, Inverness, 27 March 1794. In the same letter, Mackintosh had already described the problems with radical influences that he was experiencing in his town. See chapter 1, p. 42.

⁵⁷ *Ibid.*, f. 357, Copy James Grant, Col. 1st Fencible Regiment to Lord Adam Gordon, 28 March 1794.

⁵⁸ The most serious mutiny was probably that of the Strathspey Fencibles who had not only seized the derelict Linlithgow Palace, but also broken into the ammunition store and carried away sizable supplies with them, Prebble, *Mutiny*, p. 307. Also the West Lowland Fencibles had, however, taken hold of ammunition, and upon hearing of this, the officers of Hopetoun's regiment decided to throw their ammunition into the sea as a precaution, only to recover some of it afterwards. NAS, RH2/4/75, f. 295.

⁵⁹ Upon being assured that 'we only desired Volunteers for England ... 181 Rank & File' stood forward to sail, and another 150 agreed to march, NAS, RH2/4/75, f. 295.

⁶⁰ *Ibid.*, f. 333, Copy Colonel Montgomrie to Lord Adam Gordon, dated: Inverness 19 March 1794.

south.⁶¹ The Gordon Fencibles had been the first regiment to be presented with the plan, on 8 March, and had remained in a state of passive resistance, with no man stepping forward to offer his services until 19 March. On that day, however, the Duke of Gordon could report that his men were ready to go to England ‘either by Sea or Land’.⁶² In the remaining three Highland regiments – the Sutherlands, Breadalbanes and Argylls – no volunteers came forward, and none of these regiments provided any soldiers for the defence of England in the short term, although they demonstrated their opposition by the same kind of passive resistance as the Gordons.⁶³ Thus, by the end of March, the fencible revolt had largely faded out.⁶⁴

After 1795, no further problems were encountered with either the existing fencible corps, or with the new ones raised in 1798-99, and the extension of service in that period appears to have gone ahead smoothly. The most immediate consequence of the fencible revolt of March 1794 was that all new fencible corps now had to accept to ‘serve in any part of Great Britain’, not just in Scotland.⁶⁵ Serious though the fencible mutinies had been, they were short-lived, and did not present the Scottish authorities with as grave a threat to the government of Scotland – or to the stability and order of Scottish society – as the popular opposition to the Scottish Militia Act was to do three years later. In the meantime, however, the emphasis on invasion defence in Scotland came to focus on the forming of Volunteer units.

⁶¹ The mutiny began on 18 March and ended on the 27, when the commander James Grant could report that his regiment was ‘in perfect Order & tranquillity’, *ibid.* f. 357. Copy Letter from James Grant, Col. 1st Fencible Regiment to Lord Adam Gordon, Edinburgh, 28 March 1794

⁶² *Ibid.*, f. 317, Duke of Gordon to Lord Adam Gordon, Edinburgh Castle, 19 March 1794.

⁶³ The Argylls ‘changed their mind later in the year’ and volunteered for England, Western, Ph.D., p. 290. John Prebble has argued that in March 1794, the Breadalbanes ‘did not carry their sullen refusal to volunteer into open mutiny’, Prebble, *Mutiny*, p. 322.

⁶⁴ Another mutiny occurred in the Breadalbane Regiment later the same year, and one was staged by the Strathspey Fencibles in June 1795, but both concerned disciplinary problems within the regiments, not the shipment of troops to England. See: NAS, RH2/4/77, ff. 316-7, Copy Letter John Dunlop, Provost of Glasgow to Lord Advocate, Glasgow, 1 December 1794; *Edinburgh Evening Courant*, 18, 22, 27 Dec. 1794; *The Times* 17, 22 Dec. 1794, 13 Jan. 1795; and Prebble, *Mutiny*, pp. 319-46, 359-391.

⁶⁵ NAS, RH2/4/218, pp. 181-83, Portland to Lieut. Col. Humberstone MacKenzie, Whitehall, 19 September 1794; and NAS, RH2/4/219, pp. 195-96, Portland to Lt. Col. Humb. MacKenzie, Whitehall, 7 October 1794.

III *The Volunteer Corps*

Unlike the fencibles or the militia, the paramilitary force which came to be known as the 'Volunteer Corps' consisted of men who were essentially civilians, enlisted to be trained in the use of arms in their spare time and embodied part-time only, or when there was an actual need for them.⁶⁶ They had – as the name indicated – volunteered to do this kind of service and they could withdraw from their respective corps whenever they wished to do so. In most cases, the operational area of a volunteer corps was also restricted to its immediate locality – usually the county in which it had been raised – and throughout the period when volunteer corps were embodied, they remained outside the direct control of the army.⁶⁷ The background for the introduction of this kind of defence force was an idea that Henry Dundas had put forward in February 1793. On the basis of an initiative originating in a few coastal communities, where the inhabitants had offered to be trained in the use of arms, Dundas proposed the setting up of voluntary artillery companies, which would man coastal gun-batteries, and be raised under the supervision of the local lords lieutenant. He also opened for the possibility of raising an inland volunteer force, for policing purposes, but at this point that was of secondary consideration.⁶⁸ It took some time for this idea to be developed into a concerted plan, however, and it was not until March the next year, that Pitt's government had devised a comprehensive scheme to utilise civilian resources for defensive purposes.⁶⁹ The Prime Minister's intention was to invite the British public to volunteer for home defence, as well as to contribute financially to the raising of this volunteer force, and the government's

⁶⁶ Western, Ph.D., p. 3.

⁶⁷ Cookson, *Armed Nation*, p. 77; and Western, Ph.D., p. 273. As was the case with much military terminology in the eighteenth century, also the term 'volunteer' was used with more than one meaning. (We have already seen how the fencibles were occasionally referred to as 'militia', although they constituted a different kind of force from the English militia). Before 1794, for example, it was commonplace for government officials to refer to 'anyone who offered his services to government in any capacity' as a 'volunteer', and this included enlistees in the army or the navy. In this section, however, focus is on the volunteer 'corps' as they emerged after March 1794. See: Robert R. Dozier, *For King, Constitution, and Country: the English Loyalists and the French Revolution* (Lexington, KY, 1983), pp. 139-40.

⁶⁸ Western, Ph.D., p. 236.

⁶⁹ The draft for the plan was, however, presented by the Duke of Richmond on 8 February 1793. John Ehrman, *The Younger Pitt: ii. the Reluctant Transition* (London, 1983), 261.

work eventually materialised as the ‘Plan for Providing more completely for the Security of the Country’ passed by Parliament on 14 March 1794,⁷⁰ or the ‘Plan for an augmentation of the Forces for Internal Defence’, which was the term adopted by the government.⁷¹ The programme was divided into five sections, where the first set out that the English militia should be augmented by ‘volunteer companies, as was practised in the last war’, while the second provided guidelines for the setting up of artillery companies along the coast – in accordance with Dundas’s earlier proposal – and the third presented the opportunity of raising ‘volunteer troops of fencible cavalry’. The fourth section concerned the force which would most often be referred as the ‘volunteer corps’ afterwards, although in the text defined as ‘other bodies of cavalry’, due to consist of ‘gentlemen and yeomanry’,⁷² while the fifth and last section provided for the establishment of pioneer units.⁷³ A later Act of Parliament presented a more careful outline of the terms of service which applied for volunteer corps.⁷⁴ Accompanying the circular to the lords lieutenant was also a suggestion to open general subscriptions to fund part of the expenses involved in embodying the new corps, since the government had only committed itself to provide ‘arms, accoutrements, and uniforms’ as well as two days’ pay a week for the cavalry units. Horses, saddles and bridles, the volunteers would have to provide themselves, and this was how Pitt envisaged the public giving an additional – and voluntary – financial contribution to the war effort.⁷⁵

⁷⁰ *Parliamentary History*, xxxi (London, 1818), cc. 89-91.

⁷¹ NAS, Rattray of Craighall Muniments, GD385/20, no. 1, Henry Dundas to the Lord Advocate of Scotland, Whitehall, 28 March 1794; and *Ibid.*, no. 23, Circular entitled ‘WHITEHALL’ including the provisions of the ‘Plan for an augmentation’. An abbreviated version of the same document can be found in: NAS, RH2/4/76, f. 38. Robert Dozier has referred to the same plan as the ‘General Orders for the Security of the Country’. Dozier, *King, Constitution and Country*, pp. 140-41. See also: Cookson, *Armed Nation*, p. 25; and Western, Ph.D., p. 236. A few Volunteer Corps had been formed already in 1793, on basis of local initiatives, and prior to the general invitation to arm. J. R. Western, ‘The Volunteer Movement as an Anti-Revolutionary Force, 1793-1801’, *English Historical Review*, 71 (1956), 605; and Cookson, *Armed Nation*, p. 26.

⁷² Since some of these units subsequently came to consist of predominantly yeoman farmers, they were occasionally referred to as ‘yeomanry’ corps, rather than ‘volunteer’ corps, but for consistency, we will adopt ‘volunteer corps’ throughout in this discussion.

⁷³ *Parliamentary History*, xxxi, cc. 89-91.

⁷⁴ NAS, RH2/4/76, ff. 37-8, 34 Geo. III, Cap. 31, ‘An Act for encouraging and disciplining such Corps or Companies of Men, as shall voluntarily inroll themselves for the Defence of their Counties, Towns, or Coasts, or for the General Defence of the Kingdom, during the present War. [17th April 1794.]’. More informal instructions were also provided for those infantry units which were raised for the purpose of ‘Manning Batteries on the Coast’. *Ibid.*, ff. 38-40.

⁷⁵ Dozier, *King, Constitution, and Country*, pp. 140-42.

To some extent, the defence plan of 1794 was an attempt at channelling the resources of the loyalist association movement into a format more directly useful for the government, and in this sense, the volunteer corps were intended to serve a dual purpose. The loyal societies – which had already given ample demonstration of their zeal and attachment to the administration over the two years they had been embodied – were seen to be near ideally suited to the task of defending the state, not only against its external enemies, but also against those who threatened the status quo from within.⁷⁶ In addition to providing a means of invasion defence, the volunteer corps were thus intended to act as a local police force, suppressing radicalism and popular disturbances; and for this latter purpose, the members of the loyalist associations were perceived to be particularly well suited.⁷⁷ The forming of volunteer corps was not, however, in any way *restricted* to loyalist associations, and the offering of this kind of service was open to people beyond the ranks of these societies. Robert Dozier has identified four different types of meetings which were held to start subscription campaigns following the invitation to arm – the first step in the forming of a volunteer corps – and, of these, by far the largest group was made up by county meetings, called by the Lord Lieutenant and attended by the principal inhabitants in the county. Not quite as numerous were city or town meetings, or meetings held by private individuals who were opening subscriptions on their own initiative, whereas established loyalist societies converting themselves *en masse* into volunteer corps formed the smallest group.⁷⁸ This may serve to indicate that the public did not respond quite in the way that the government had anticipated or even hoped for, and certainly, volunteering – once the invitation had been given – was to remain unpredictable and difficult for the government to control.

The initial response in 1794 was somewhat mixed. For Britain, as a whole, the scheme cannot be said to have met with overwhelming enthusiasm, and this was particularly the case with the loyalist associations. Whereas nearly 2000 loyalist associations had been set up in the two-year period from 1792 to 1794, there were only about 160 volunteer corps formed in England and Wales over the course of

⁷⁶ For a further discussion of the loyalist societies, see: chapter 6, section II.

⁷⁷ *Ibid.*, p. 139; Western, 'The Volunteer Movement', *EHR*, 71 (1956), 607; and Austin Mitchell, 'The Association Movement of 1792-3', in *Historical Journal*, 4 (1961), 74-5.

⁷⁸ Dozier, *King, Country, and Constitution*, p. 148.

1794-96. Only a small part of the loyalist societies in this part of Britain thus converted themselves into volunteer corps and, by 1796, the number of volunteer infantry in England was still below 10,000 men. Most of the offers to raise corps came from the more exposed parts of the coast, such as the south coast from Cornwall to Kent, and the north-eastern from Yorkshire to Scotland, but this was perhaps to be expected given the emphasis that had been placed on raising artillery companies for coastal defence.⁷⁹ To a degree, however, this lukewarm response was perhaps more of an *English* than a generally *British* phenomenon, and may largely reflect the continuing lack of enthusiasm for armed service in England – which was part of the reason for the disproportionate Scottish and Irish contributions to the armed forces in this period.⁸⁰ Certainly, in terms of volunteering, Scotland stood out clearly in this context, and provided a sharp contrast to the lack-lustre response in England. The service proved very popular north of the border, and a proportionately much larger number of volunteer corps was raised in Scotland in quick succession, following the government's invitation to arm. Edinburgh, Glasgow and the central Lowlands led the way in 1794, but were soon followed by the smaller towns on the east coast from Dunbar to Thurso. By 1796 there were over sixty volunteer companies along the coast, as opposed to just under fifty in the Lowlands,⁸¹ and no fewer than one in three infantry volunteers in Britain belonged to a Scottish corps at this point.⁸² Nor was there an absence of men willing to join the newly established volunteer units either. Indeed, as J. E. Cookson has remarked, 'the other outstanding feature of Scottish volunteering was the numbers that came forward'.⁸³ A steady stream of volunteers meant that the Scottish volunteer establishment remained proportionately much larger than the English and, by the end of 1797, the Scottish

⁷⁹ Cookson, *Armed Nation*, pp. 24-7; and Clive Emsley, *Britain and the French Revolution* (Harlow, 2000), pp. 44-6.

⁸⁰ J. E. Cookson has estimated that as much as half of the strength of the British army was Scots-Irish in 1793-94. *Ibid.*, p. 28.

⁸¹ *Ibid.*, p. 140.

⁸² *Ibid.*, p. 28.

⁸³ *Ibid.*, pp. 140-41. Linda Colley has suggested that the same conditions which seemed to make service in the armed forces more popular in Scotland than in England – the relative poverty of Scotland, the greater control wielded by Scottish landowners over their tenants and the supposed 'martial qualities' of society in some parts of the country – also served to facilitate the early and rapid expansion of the volunteer force. Colley, *Britons*, pp. 310-11.

volunteer infantry made up a good 44 per cent of the British total.⁸⁴ The concentration of volunteer corps in Scotland came to remain in the central Lowlands and along the east coast throughout the rest of the war, but a sample of volunteer offers taken from the *Caledonian Mercury* in 1794 shows that also people outside of these two areas stood forward to arm in defence of the state. Over a period of only about one month, from the end of July until the end of August that year, offers to raise forces for 'internal defence' were made in places as far apart as Inverness, Berwickshire, Ross, Argyllshire, Kinross-shire, Wigtonshire, Cromarty, Roxburghshire and Selkirk.⁸⁵

One reason for the success of the volunteer programme in Scotland may have been the enthusiasm with which the local gentry and the Scottish lords lieutenant embraced the scheme. The volunteer corps tended to be controlled by that same faction of the gentry which had supported the government's plans to start with, and the lords lieutenant – who had no militia to deal with until 1797 – often went beyond their official task of organising the companies and took an active part in the corps themselves.⁸⁶ It is not clear whether this gave them a vested interest in the volunteers, which made them liable to defend this particular type of military force regardless of its performance, or whether they *genuinely* held it to be useful, but there is little doubt that the Scottish lords lieutenant – together with the central government officials in Scotland such as Robert Dundas – persisted in their defence of the volunteer corps, even when the central government seemed to be losing its confidence in them. The clearest example of this is the negative response the government drew from the Scottish lords lieutenant in 1798, when it presented its proposal to reduce the pay of volunteers to one day per week.⁸⁷

Although Scottish enthusiasm for volunteering must have provided a welcome contrast to the half-hearted response in England, the central government soon grew wary of the volunteer movement as it emerged after 1794. For a start, the

⁸⁴ Cookson's estimates were 18,124 volunteer infantry in Scotland, out of a total of 41,465 for the whole of Britain. *Ibid.*, p. 69. On the continued popularity of the volunteer corps in Scotland, see: National Library of Scotland [NLS], MS 7, Melville Papers, ff. 154-57, A. Dirom to Lord Advocate, Edinburgh, 27 March 1797.

⁸⁵ *Caledonian Mercury*, 21, 24, 26, 28 July, 7, 9, 25 Aug. 1794.

⁸⁶ Western, Ph.D., pp. 244, 247, 249-50.

⁸⁷ See chapter 2, pp. 77-9.

volunteer project did – of course – carry with it the same dilemma for the government as the forming of the first loyalist association societies had done two years previously. Support for the government was all very well, but by encouraging active popular involvement in loyalist organisations the authorities also ran the risk of making people more politically conscious in general. What if this made them think new ideas of their own, or made them sufficiently confident of their own position to start presenting demands for a more formalised influence in politics and political decision-making? The fact that they now also had arms which could be used to back up such political demands can hardly have been reassuring for those who were already prone to worry.⁸⁸ Thus, in this sense, the moderate English response was perhaps to be preferred above Scottish enthusiasm. Of greater and more immediate concern to the central authorities, however, was the intense localism of the volunteer corps, and the fact that it remained difficult to bring them under proper army control.

The invasion-defence strategy of the government's military planners rested upon the ability to move quickly large numbers of defence forces to the place of a French landing, in order to 'hem in' the invasion force, while the Royal Navy cut its supply lines.⁸⁹ Since the French troops were expected to be of superior quality to the regular British army, the strategy was to use large numbers of defence forces to contain them within one area until they became demoralised and could be safely attacked. British numbers and perseverance were thus to defeat French mobility and fighting prowess.⁹⁰ Given this scenario it was obviously not convenient that the volunteer corps tended to insist on serving only within their own county, and the localism of the volunteers therefore came to be increasingly resented by the government. Added to this were the problems of inadequate discipline and training for the main body of the force, too few and poorly trained officers – men who were often drawn from the lesser local gentry – and the fact that the volunteer corps remained small, locally controlled units; all of which stood in the way of effective army control. Paradoxically, it was precisely their local foundation that made the

⁸⁸ See: Western, 'The Volunteer Movement', *EHR*, 71 (1956), 610.

⁸⁹ It was not viewed as realistic for the navy to be able to stop a landing from taking place. Dozier, *King, Country, and Constitution*, p. 126.

⁹⁰ Cookson, *Armed Nation*, pp. 42-7. For a discussion of the British defence strategy throughout the period, see: *ibid.*, chapter 2: 'The French Encirclement'.

volunteers so popular with the people at large in Scotland and, following the French expedition to Bantry Bay in December 1796, there was a renewed interest in and moderate expansion of the volunteer forces – independently of any government initiative.⁹¹

By 1796 the authorities had become convinced that a further augmentation of the volunteer corps would not enhance the country's defence against invasion, and when the government instead embarked on its programme to improve these defences by augmenting the compulsory militia force, attempts were therefore made to halt the forming of further volunteer corps – particularly in Scotland. In a letter to the Lord Lieutenant of Inverness, Sir James Grant, on 30 March 1796, the Home Secretary wrote in reply to a proposal of forming yet another two volunteer companies that: 'His Majesty does not, at present judge it expedient to make any addition to the Volunteer Corps, raised for the internal defence of the Kingdom'.⁹² The reason for this decision was set out more clearly in a similar reply to William MacDowall in Renfrew a few days later. This time the Duke of Portland wrote that 'considering the number of Volunteer Corps, which have been already accepted by His Majesty, he does not, at present, think it proper to accede to any further Proposals, for raising Corps or Companies of that Description'.⁹³ The government clearly believed that sufficient volunteer corps had been raised for the time being, and a further application from Perth was declined on the same grounds later in the summer.⁹⁴ By October, however, the government seemed to have suddenly changed its mind, or to have become more uncertain, since in another letter to James Grant in Inverness, Portland wrote that 'His Majesty's intention ... is now meant only to extend to Fencible Regiments, & not to Volunteer Corps'. The cabinet would thus be pleased to accept the offer of an additional volunteer company in Inverness, provided that it was formed 'upon the same terms that have been granted to the other Volunteer Companies in that County'.⁹⁵ Another eight requests to raise additional companies, coming from other places in Scotland, were accepted within the next four weeks, and

⁹¹ *Ibid.*, pp. 67-9, 77, 91-2; and Mackillop, *'More Fruitful than the Soil'*, pp. 231-32.

⁹² NAS, RH2/4/220, p. 48, Portland to J. Grant Bt, Whitehall, 30 March 1796.

⁹³ *Ibid.*, p. 49, Portland to Wm. MacDowall, Esq., Whitehall, 2 April 1796.

⁹⁴ *Ibid.*, pp. 64-5, Portland to His Grace the Duke of Atholl, Whitehall, 12 August 1796.

⁹⁵ *Ibid.*, p. 72, Portland to Sir James Grant Bt, Whitehall, 7 October 1796.

more tentative enquiries were also given an encouraging response.⁹⁶ In a letter to the Lord Advocate, Portland referred to a letter from Major Mayne of the Stirling Volunteer Corps, who had requested 'to know the wishes of Government with respect to the augmentation of that Corps', and wrote that if any such proposal should be made, 'I have no doubt but, it would be acceded to by His Majesty'.⁹⁷ A similar point was made in a letter to Humberston Mackenzie, Lord Lieutenant of Ross-shire, concerning the Dingwall Volunteers.⁹⁸ These approvals were, however, issued at around the same time as the raising of a Scottish militia force was becoming a serious possibility, and the next response given to a volunteer offer showed that Whitehall had again swung in the opposite direction. In reply to another proposal from Peterhead, Portland wrote to the Duke of Gordon that: 'I should apprise your Grace of the expediency of deferring the proposed Augmentation, until the measures for increasing the internal strength of the Kingdom, which are now under the consideration of Parliament, shall be decided upon, and if adopted, carried into effect'.⁹⁹ Similar responses were sent to Thomas Elder in Edinburgh and to the Earl of Caithness, before Portland found reason to express himself in even more unequivocal terms in a letter to Earl Gower. In reply to yet another offer to raise a company of volunteers 'for the District of Strathnaver in the County of Sutherland', Portland emphasised that: 'It is His Majesty's wish that all further Proposals for raising Volunteer Corps, or for augmenting those already raised, should be suspended for the present, with a view to facilitate the execution of the Acts lately passed for the internal defence of the Kingdom'.¹⁰⁰ The same, or similar, responses were given to a number of offers from other places in Scotland, and the government

⁹⁶ *Ibid.*, p. 73, [Attachment to above, containing short notices with acceptance of similar proposals from:] Principal inhabitants of Peterhead, signed by the Duke of Gordon, Inhabitants of Perth, Duke of Athole, Inhabitants of Strathnaver, Earl Gower, County of Caithness, Earl of Caithness, Magistrates and Town Council of Montrose, Lord Douglas and Major McKenell, Commandant of the Paisley Volunteers, Wm McDowall; *ibid.*, pp. 77-8, Portland to Wm McDowall, Whitehall 14 October 1796 [Refrewshire Volunteers]; and *ibid.*, pp. 82-3, Portland to the Rt. Honble Lord Douglas, Whitehall, 1 November 1796 [Burgh of Montrose].

⁹⁷ *Ibid.*, p. 74, Portland to the Lord Advocate, Whitehall, 10 October 1796.

⁹⁸ *Ibid.*, pp. 79-80, Portland to J. H. Mackenzie Esq., Castle Brechan Ross-shire, Whitehall, 24 October 1796.

⁹⁹ *Ibid.*, pp. 83-4, Portland to the Duke of Gordon, Whitehall, 8 November 1796.

¹⁰⁰ *Ibid.*, p. 88, Portland to Earl Gower, Whitehall, 21 November 1796. See also: NAS, RH2/4/212, f. 261, Circular to 'The Lieutenants of Counties in Scotland'.

now seems to have put its foot down firmly against any further extension of the volunteer force – at least for the time being.¹⁰¹

As it turned out, this was not for very long, since, already by the middle of February 1797, an offer to raise an entirely new volunteer corps in St. Andrews was accepted.¹⁰² Offers to augment the Royal Glasgow Volunteer Corps, and the corps at Linlithgow were approved on the same day and, a week later, the Dundee Volunteers also received permission to extend their unit.¹⁰³ Oddly enough, offers to raise a new corps in Aberdeen, Edinburgh, Dalkeith, and Mussleburgh – similar to that of St. Andrews – were declined only a month later on the grounds that the forming of any further volunteer corps had been suspended, awaiting the implementation of the new ‘Plan for the general defence of Scotland’; the same argument that had been put forward in November the year before.¹⁰⁴ If this seemed an inconsistent and possibly even confused approach by the Home Office, another letter from Portland to Buccleuch may provide some explanation. Writing about the possibility of raising another volunteer corps in Edinburgh, Portland stressed that:

From a consideration ... of the importance which must be attached to the Safety and Tranquillity of the Metropolis of Scotland, it is judged expedient, that the suspending of the formation of further Volunteer Corps for the present ... should not be construed to extend to the above Corps.¹⁰⁵

The indication provided by this passage is that rather than being inconsistent, the government was in fact being *selective* in its decisions on whether or not to approve of and accept a given application. Only offers from places where it was perceived to

¹⁰¹ See: NAS, RH2/4/220, pp. 89-91, Portland to Sir J. Grant Bt, Whitehall, 24 November 1796 [Inverness]; *ibid.*, p. 93, Portland to J. H. Mackenzie, Whitehall 5 December 1796 [County of Ross], and Portland to Sir James Grant Bart, Whitehall 12 December 1796 [Inverness, again]; *ibid.*, pp. 98-9, Portland to Sir James Grant Bart, Whitehall, 24 December 1796 [North Uist Volunteers]; and *ibid.*, p. 101, Portland to the Earl of Fife, Whitehall, 5 January 1797 [County of Banff].

¹⁰² *Ibid.*, p. 123, Portland to the Earl of Crawford, Whitehall, 14 February 1797.

¹⁰³ *Ibid.*, pp. 124-25, Portland to His Grace the Duke of Hamilton, Whitehall, 14 February 1797 [Glasgow]; *ibid.*, pp. 126-27, Portland to the Earl of Hopetoun, Whitehall, 14 February 1797 [Linlithgow]; and *ibid.*, p. 130, Portland to Lord Douglas, Whitehall, 23 February 1797 [Dundee].

¹⁰⁴ *Ibid.*, pp. 142-43, Portland to the Duke of Gordon, Whitehall, 24 March 1797 [Aberdeen]; and *ibid.*, pp. 144-45, Portland to His Grace the Duke of Buccleuch, Whitehall, 24 March 1797 [City of Edinburgh, and Towns of Dalkeith and Mussleburgh].

¹⁰⁵ *Ibid.*, pp. 151-61, Portland to the Duke of Buccleuch, Whitehall, 1 April 1797.

be useful to augment the volunteer forces were accepted.¹⁰⁶ Further indications that this may have been the case came in a letter to the Earl of Fife on 29 May 1797, when Portland declined several proposals because the king did not ‘think it necessary to accept of any further offer for raising Volunteer Corps except in such parts of the Coast, & in such Cities or large Towns, as appear to require an additional Force’.¹⁰⁷

Increasingly, the government came to place new demands on any additional or new volunteer units that were to be formed. On 24 April 1797, the Earl of Caithness was duly informed that the inhabitants of the parishes of Dunnell and Orlig in the county of Caithness would have to ‘agree to march in the event of an Invasion or the appearance of Invasion ... to any part of the three contiguous and adjacent Counties at least’, if their offer was to be accepted.¹⁰⁸ The same demand was placed on the burgh of Kinghorn,¹⁰⁹ and the offer to raise a volunteer company in Fifeshire was approved ‘with the additional Condition that the Company will be ready to march to any part of Great Britain in case of Invasion’.¹¹⁰ This was the first hint of what was to become a changed government policy on volunteers. Although the authorities had not entirely discarded the idea of a further strengthening the volunteer force, the corps were now having to accept new government guidelines and directions.

Although the British defence forces were predominantly made up of militia and fencibles units by the end of 1797 – there were a total of 130,000 men enlisted in militia or fencible regiments, as opposed to 51,000 volunteers and yeomanry – the programme for extending and augmenting the compulsory part of the defence forces was viewed as a partial success only.¹¹¹ The supplementary militia and provisional cavalry in England had been raised without too much difficulty, but the quotas set by

¹⁰⁶ Robert Dundas had himself, on basis of recommendations given by Lt. Col. Alexander Dirom, written a letter to Henry Dundas, in which he expressed his wish that the ‘Corps established in the City of Edinburgh & its vicinity should be immediately & without farther Delay, accepted of’. It is likely that this intervention was of importance for the decision to accept the offer. NLS, MS 7, ff. 150-53, Robert Dundas to Henry Dundas, Arniston, 29 March 1797.

¹⁰⁷ NAS, RH2/4/220, pp. 218-19, Portland to the Earl of Fife, Whitehall, 29 May 1797.

¹⁰⁸ *Ibid.*, pp. 174-75, Portland to the Earl of Caithness, Whitehall, 24 April 1797.

¹⁰⁹ *Ibid.*, pp. 225-226, Portland to J. H. Mackenzie, Whitehall, 31 May 1797.

¹¹⁰ *Ibid.*, pp. 199-200, Portland to the Earl of Crawford, Whitehall, 14 May 1797.

¹¹¹ These figures are J. E. Cookson’s estimates, see: Cookson, *Armed Nation*, p. 68, and note 5. Cf. Clive Emsley’s estimate of 54,600 volunteers by April 1798. Emsley, *Britain and the French Revolution*, p. 45.

the government had not been filled, leaving the two forces at a lower strength than estimated.¹¹² The Scottish militia – by comparison – was met, not only with widespread rioting, but the number of men due to be raised also had to be scaled down because of low returns for the ballot, and only half of the force was embodied in its first year.¹¹³ Furthermore, as the war was now developing in an increasingly unfavourable direction for Britain, even the original estimates for the defence forces were becoming insufficient. With Napoleon's 'Army of England' in the process of being assembled on the French Atlantic coast, the British government swung back to volunteering as the best, or even the only, way of rapidly augmenting the forces for invasion defence. Nevertheless, lessons had been learned from the first invitation to arm in 1794, and the government now made significant efforts to avoid a repetition of the chaotic situation of 1794-95. This was done by setting out provisions for a volunteer force under more firm government control, and one that would be more useful for the government's purposes (as opposed to suiting local interests). All new and existing corps were now given incentives to extend their service outside of their own military districts – such as pay for training and a clothing allowance if they agreed to do so – and the corps were increasingly being converted to 'the idea of national defence', so that 'by early 1799, there were few corps left restricted to local service'.¹¹⁴ A clearer distinction was drawn between volunteer units embodied for defence purposes and those intended to function as a police force, and the social composition and internal organisation of the corps were also given more specific government guidelines.¹¹⁵ This time the public response was enthusiastic across the whole of Britain – probably because of the by now very serious threat of invasion – and in just four months, from April into July 1798, the volunteer establishment more than doubled in strength from 51,000 to 116,000 men.¹¹⁶ With a better response in England this time than in 1794, the Scottish component of the newly formed corps was naturally proportionately lower than had been the case up till then, and some of

¹¹² Western, *English Militia*, pp. 219-24.

¹¹³ See section V below; and Cookson, *Armed Nation*, p. 70.

¹¹⁴ *Ibid.*, p. 73. Although service *outside* of their military district was voluntary, after 1798, all volunteers had to agree to serve *throughout* that district, not just their county, and later – in August 1803 – this was extended to the whole of Great Britain. Colley, *Britons*, p. 331.

¹¹⁵ See: Cookson, *Armed Nation*, pp. 70, 73; and Western, Ph.D., p. 238.

¹¹⁶ Cookson, *Armed Nation*, p. 71; and Emsley, *Britain and the French Revolution*, p. 45.

the more isolated parts of the Highlands, such as Inverness-shire and Bute were now more reluctant to volunteer, but this may only reflect on the exhaustion of manpower in those areas at this point.¹¹⁷ The volunteer force continued to grow, even after Napoleon's army on the Channel coast had been dispersed,¹¹⁸ and, by 1801, it stood at approximately 300,000 men.¹¹⁹ A total of 228 volunteer corps had by then been raised in Scotland.¹²⁰

IV *The Auxiliary forces*

The Defence of the Realm Act of April 1798 – which set out the new provisions for the volunteer force – was, however, not limited to volunteer corps only. It also included a plan for a vastly extended use of civilian auxiliaries, which had been devised and written by Henry Dundas earlier that year.¹²¹ Entitled 'Proposals for rendering the Body of the People Instrumental to the General Defence, in case of Invasion', the plan set out a comprehensive strategy for civilian involvement in what amounted to both a limited 'scorched earth' tactic, and a scheme for civilian assistance to the armed forces in the case of a French invasion.¹²² The first line of the introduction to the document stated that: 'IF an Enemy should land upon our Shores, every possible exertion should be made immediately to deprive him of the means of

¹¹⁷ Colley, *Britons*, pp. 309-12.

¹¹⁸ Cookson, *Armed Nation*, p. 73.

¹¹⁹ See, for example: Frank O'Gorman, *The Long Eighteenth Century: British Political and Social History 1688-1832* (London, 1997), p. 246.

¹²⁰ Cookson, *Armed Nation*, p. 140.

¹²¹ *Ibid.*, p. 34; and Western, Ph.D., pp. 26-31. Although the final version of the plan bore the signature of Henry Dundas, the initiative and idea behind it, as well as most of its detail, originated with Lieutenant-Colonel Alexander Dirom, a high-ranking army officer in Scotland. In May 1797 he published a work under the title of 'Plans for the Defence of *Great Britain and Ireland*', which he had devised and written with the assistance of the Duke of Buccleuch and, in his pamphlet, Dirom launched a scathing attack on the long-standing British policy of letting the armed forces shrink to a minimum in peace-time, thereby necessitating frantic and ad-hoc recruitment upon the advent of war (which was precisely how the Pitt government had conducted its defence policy in the early 1790s). In its place, Dirom proposed the instituting of a permanent, comprehensive and concerted defence system and, not only was the general principle of this plan taken up by the government, but many of Dirom's detailed proposals and suggestions were adopted in the Defence of the Realm Act. See: National Library of Scotland [NLS], Lieutenant Colonel Alexander Dirom, *Plans for the Defence of Great Britain and Ireland* (Edinburgh, 1797). NF.784.c.3(5).

¹²² The complete provisions of the 'Proposals' have survived in the Buccleuch papers held by the National Archives of Scotland. NAS, GD224/628/3/20, 'PROPOSALS, For rendering the Body of the People Instrumental to the General Defence, in case of Invasion'.

subsistence'. This would be done by 'driving away the live stock, and consuming, or, in case of absolute necessity, destroying all other means of subsistence', in those parts of the country which the enemy either had, or was expected to gain, control of. Anyone who sustained losses because of this strategy was to be compensated through a system of 'indemnification from the Community at large'.¹²³ The intention of the plan was thus to bring more or less the whole population into the defensive effort, in what might be seen as a 'total' defence strategy, or a system where every possible resource was utilised for defensive purposes. The actual detail of the plan itself was divided into eight separate 'heads', addressing the various elements of the scheme.

The first head, entitled 'Driving the Country within Fifteen Miles of the Coast', dealt with the practicalities of making sure that the French invasion force would not get its hands on any useful resources, as it made its advance. Particular emphasis was placed on 'the *immediate* removal of the horses and draft cattle; the former of which would be useful in mounting the Enemy's Cavalry, the latter in dragging his Artillery, Ammunition, Stores, &c', but also sheep 'or other live stock' were to be removed, and 'a certain number of the Inhabitants' were to be 'set apart to superintend the removal and march of the different descriptions of stock'.¹²⁴ The second head, which was entitled '*Bearing Arms and engaging to assemble when an Enemy has landed*', essentially provided for an additional volunteer force, due to consist of 'those who voluntarily agree to appear in Arms for the defence of their Country, Families, and Property, *when an Invasion has actually taken place*', whereas the third and fourth heads set out the forming of pioneer companies and guide corps. The pioneers were to be equipped with axes, shovels and bill-hooks, while the guides were to be mounted on horseback, armed and consist of people with detailed knowledge of the local geography and communications. The fifth head gave instructions to the county nobility, gentry and yeomanry on how they should go

¹²³ *Ibid.*

¹²⁴ *Ibid.* [original italics]. The work of charting the 'live stock' in Scotland had already begun the year before, when a circular to the lords lieutenant instructed them to 'exert your Influence in causing to be made out and transmitted to Lord Adam Gordon ... an account of the live and dead Stock, in such Parishes ... as are within ten or twelve Miles of the Sea'. The purpose was to make sure that these resources could be moved out of the reach of a French invasion force as rapidly as possible. NAS, RH2/4/80, ff. 21-2, Draft of Circular to the Lords Lieutenants of certain Maritime Counties in Scotland, Whitehall February 1797.

about cataloguing the number of ‘wagons and carts’ in their district – the idea being that they should be made available for the army – while the sixth and seventh heads addressed the organising of ‘millers’ and ‘bakers’, ‘engaging to aid the Supplies of the Army, if required’. Finally, the eighth head set out the furnishing of ‘Barges or Boats upon Navigable Rivers or Canals’ for the ‘Conveyance of Troops or Stores’.¹²⁵ The plan was then further refined by nine ‘schedules’, which provided even more detail on the organisation of the different heads.¹²⁶ The Defence Act, moreover, also provided for ‘a census of all fit men between fifteen and sixty’ to be conducted for the purpose of mapping out all available manpower resources, and specifically to find out how many of these would be able, and willing to join volunteer corps.¹²⁷ The returns for the Edinburgh district – which have survived in the Buccleuch papers – reveal that a total of 10,779 men fell within the eligible category, 119 were classified as ‘Infirm or incapable of active Service’, 1462 were already ‘Serving in Volunteer Corps or Armed Associations’, 17 were ‘Aliens’, 6 were Quakers and 22,202 were categorised as ‘Persons who from age Infancy Infirmary or other cause may be incapable of removing’.¹²⁸

By drafting and passing the Defence Act of 1798, the government had therefore set out a comprehensive and well thought-through programme, whereby it hoped to put Britain in the best possible state to meet a French invasion. Not only did this stand in contrast to the somewhat hesitant and haphazard efforts of the early part of the war, but it probably also amounted to the best that could be achieved in the circumstances of 1797-98. The government had avoided handing out an open invitation similar to that of 1794, and instead set out a detailed plan of exactly what was needed. Indeed, as Linda Colley has stressed, the purpose of the Defence Act was not to gain ‘blanket assurances’ of support for the state, but detailed information of *actual* defence capability. The central government sought ‘accuracy not

¹²⁵ NAS, GD224/628/3/20, ‘PROPOSALS’ [all original italics].

¹²⁶ The ‘Proposals’ were re-issued in 1803 and 1805, and on the last occasions, a ‘Plan for establishing a system of communication throughout each county’ was added to the original scheme, see: NLS. 5.217.g.1(7). See also: Colley, *Britons*, pp. 304-5.

¹²⁷ Western, Ph.D., p. 238.

¹²⁸ NAS, GD224/628/3/18, ‘*Internal Defence 1798*, General Abstract of the Number of Men between the age of 15 and 60 – Infirm – Serving in Volunteer Corps – Aliens – Quakers – Persons Incapable of removing themselves, and of the live and dead Stock in the different Parishes of the County of Edinburgh, Edinburgh 5 July 1798’. The returns are included in Appendix: E.

reassurance'.¹²⁹ The implementation of the Defence Act does not seem to have met any serious difficulties, and as far as military recruitment was concerned, it was the raising of a Scottish Militia which was to create the greatest challenges for the authorities in Scotland.

V *The Scottish Militia*

By the beginning of the 1790s, campaigns to secure a Scottish militia already had a history going back nearly half a century to 1757, when the revival of the English militia had not been accompanied by a similar renewal of the old pre-union Scottish militia force.¹³⁰ Parliament's main reason for denying the Scots a militia had been the fear that the raising of a force of this kind in Scotland would be 'tantamount to rearming the Jacobites', and the Jacobite rebellion of 1745 had been one of the main reasons for reviving the force in England.¹³¹ Many leading Scots did not take kindly to this decision at the time – partly as it seemed to indicate that Scots were not to be relied on to arm in their own defence, but also because it was held to be in breach of the principle of equality within the Union of Great Britain – and English reluctance to grant Scotland a militia was to remain a sore point in Anglo-Scottish relations for the rest of the century.¹³² Repeated campaigns to secure a Scottish militia came to nothing, and, by 1790, the hope of instituting such a force north of the border, bore all the hallmarks of a thoroughly lost cause.¹³³

Late in 1792, however, when it seemed increasingly likely that Britain would be drawn into the war on the continent in the near future, the government decided that it was time to update the Scottish home defence by introducing a Scottish militia

¹²⁹ Colley, *Britons*, p. 306.

¹³⁰ See: John Robertson, *The Scottish Enlightenment and the Militia Issue* (Edinburgh, 1985), pp. 5-6; and Western, *English Militia*, pp. 51-2, 162.

¹³¹ Logue, *Popular Disturbances*, p. 76. See also: Western, *English Militia*, p. 167.

¹³² Janet Adam Smith, 'Some Eighteenth-Century Ideas of Scotland', in *Scotland in the Age of Improvement*, eds., N. T. Phillipson and Rosalind Mitchison (Edinburgh, 1970), pp. 109-10; and Robertson, *Militia Issue*, pp. 116-17, 119, 134, 145.

¹³³ There had in fact been very little, if any, agitation since 1782, when the last campaign failed to achieve its aim. *Ibid.*, pp. 98, 119; and Western, *English Militia*, pp. 206-9, 217-18. To compensate for the absence of a militia force, a few fencible troops had been raised in Scotland in 1760 and a much larger force of almost 4500 men from 1778. *Ibid.*, pp. 164-5, 209. An account of one of the fencible regiments raised in 1778 – the Buccleuch Fencibles – can be found in: Lodge, 'Militia Issue'.

force similar to that which already existed in England. Henry Dundas was one of the strongest proponents of this policy, and on 1 January he notified the House of Commons that he would ‘soon bring forward some proposition to the defence of the Northern part of the kingdom’, before presenting a Scots Militia Bill a few days later.¹³⁴ During the debates on the bill, Dundas picked up many of the points made by previous Scottish militia campaigners, and stressed that, ‘he never was able to discover any good ground for this distinction between the two great divisions of the kingdom; for as the establishment was useful in the one, it must be equally so in the other’.¹³⁵ The *Caledonian Mercury* reported that the bill was ‘expected to meet with little or no opposition, although all former attempts have proved ineffectual’.¹³⁶ Questions were, however, raised as to why it was necessary to institute a Scottish militia when Fencibles were already being raised, but overall, the bill does not appear to have run into significant resistance in Parliament.¹³⁷ In Scotland, on the other hand, grave concerns were raised concerning the possibility of popular resistance to such a military levy, and it was due to the perceived difficulties of actually implementing the Act north of the border that Dundas and the government eventually decided to drop the bill.¹³⁸ Instead renewed emphasis was placed on continuing the raising of Fencible regiments, and on encouraging the forming of Volunteer corps.

¹³⁴ *The Times*, 3 Jan. 1793.

¹³⁵ *Edinburgh Evening Courant*, 7 Jan. 1793. An anonymous pamphlet entitled: *An Address to the People of Scotland on the necessity of an immediate Application to Parliament for a Scots Militia* was published in Edinburgh in 1792, and it seems likely that Dundas drew inspiration from this text for his speech in Parliament, since his arguments were closely aligned to those set out in the pamphlet. See: NLS, 1938.19(28). On support for a Scottish militia, see also: NAS, GD224/31/6, ff. 18-19, Sir William Maxwell to the Duke of Buccleuch, Springkell, 17 December 1792.

¹³⁶ *Caledonian Mercury*, 7 Jan. 1793.

¹³⁷ *The Times*, 13 Feb. 1793; *Edinburgh Advertiser*, 15 to 19 Feb. 1793; and J. R. Western, ‘The Formation of the Scottish Militia in 1797’, *Scottish Historical Review*, 34 (April 1955), 9.

¹³⁸ John Dunlop, the Lord Provost of Glasgow, wrote to Henry Dundas that:

I am fully convinced that it would be highly improper to trust arms in the hands of the lower classes of people here & in Paisley. I wish you think seriously of this matter. The “friends of the people” are I know very fond of the Idea, which is at least a presumption against the propriety of the Measure.

NAS, RH2/4/69, ff. 177-78, John Dunlop to ‘Sir’ [Henry Dundas?], Glasgow, 16 January 1793. See also: David J. Brown, ‘Henry Dundas and the Government of Scotland’, unpublished Ph.D. thesis (University of Edinburgh, 1989), p. 171; and Western, ‘Scottish Militia’, *SHR*, 34 (1955), 1.

i) The Militia Act of 1797

This policy was not successful from a defence point of view. The fencible mutinies in 1794-5 very soon raised serious doubts about the reliability of the fencible system, and the volunteers were of questionable military value – partly because of their limited military training and partly due to their inflexibility. Indeed, the fencible mutinies in 1794 had convinced the Earl of Hopetoun that only a Scottish militia would ensure sufficient protection for Scotland. As he commented in the beginning of April that year: ‘The whole convinces me more & more That a regular established Militia as in England is the only sure & efficient National Defence for Scotland & to put both parts of the United Kingdom on the same footing’.¹³⁹ When the threat of invasion became more serious in late 1796, it was therefore evident that the gap left in Britain’s defences by the absence of a militia in Scotland would have to be filled.¹⁴⁰ By now the government machinery at the local level had also been prepared through the appointment of Scottish lords lieutenant in 1794.¹⁴¹ Moreover, it was hoped that the volunteer forces that had been raised under county auspices since 1794 would have prepared the counties to carry a heavier military burden of a compulsory kind, such as the Militia.¹⁴² A convenient opportunity for forwarding the case of a Scottish militia arose with the government programme for augmenting the English force in late 1796, and early in November that year, the Lord Advocate introduced a bill for the raising of a ‘Scotch Supplementary Militia’ similar to that which was planned for England.¹⁴³ Nothing more came of this bill, but Robert Dundas remained optimistic about the prospects of raising a Scottish militia, and early in 1797 he wrote to the Duke of Portland stating that it was up to ‘His Majestys Ministers alone, to say, to what Extent they wish either a Militia or the Establishment of Volunteer Corps’.¹⁴⁴ Later he became more pessimistic, and in May he pointed out to John King at the Home Office that: ‘The Militia Bill is likely to be so much

¹³⁹ NAS, RH2/4/385/21/2, Earl of Hopetoun to James Clerk, Cullen House, 7 April 1794.

¹⁴⁰ It had already been brought to Henry Dundas’s attention that the French viewed Scotland as an attractive place to land an invasion force, precisely because of the lack of a militia force. NAS, RH2/4/208, ff. 678-80, George Young to Henry Dundas, Girvan, [?] 15 February 1794.

¹⁴¹ Cookson, *Armed Nation*, pp. 133-34.

¹⁴² Western, ‘Scottish Militia’, *SHR*, 34 (1955), 8-9.

¹⁴³ *The Times*, 5 Nov. 1796. A detailed discussion of the provisions for the English Supplementary Militia can be found in: Western, Ph. D., pp. 135-43; and Western, *English Militia*, pp. 218-24.

¹⁴⁴ NAS, RH2/4/80, ff. 24-5, R. Dundas to the Duke of Portland, Edinburgh, 15 February 1797.

opposed, and is now so late of bringing forward, that His Grace need hardly confide to it this Summer as any part of our Defence'.¹⁴⁵ Henry Dundas, on the other hand, had been sceptical about the prospects of raising a Scottish militia as late as in November 1796, but, by the early summer of 1797, he appears to have been convinced that the measure could be carried to a successfully completion,¹⁴⁶ and on 2 June 1797 he introduced a 'Bill to raise and embody a Militia in that part of Great Britain called Scotland',¹⁴⁷ which was subsequently passed on 19 July.¹⁴⁸

The Act followed closely on the earlier provisions for a Scottish militia force – as they had first been set out in 1759 – which meant that it provided for 6000 men to be raised by ballot.¹⁴⁹ Enlistment was for the duration of the war plus one month only, and those eligible to be drawn were all able-bodied men between the ages of nineteen and twenty-three, inclusive.¹⁵⁰ The Act allowed for the possibility that those who had been balloted could avoid service by providing a suitable, unmarried substitute, or alternatively pay a fine of £10, which would then be used to hire a substitute. The responsibility of setting up the lists of those men who were liable to serve was given to the parish schoolmasters, who would submit them to District

¹⁴⁵ NAS, RH2/4/212, ff. 288-89. R. Dundas to John King Esq., Edinburgh, 19 May 1797. The reason for Robert Dundas's pessimism at this point may well have been a letter he received from Lt. Col. Alexander Dirom in late March 1797. In his letter, Dirom reported from a series of meetings held in Edinburgh and at the Duke of Buccleuch's estate at Dalkeith to debate the issue. Prominent government men in Scotland, such as Lord Adam Gordon, Lt. Col. Alexander Dirom and the Duke of Buccleuch had been present, and the conclusion they had reached was to recommend that the plans for a Scots militia should be postponed until 'the approach of Peace'. Instead of a militia, Dirom earnestly requested 'that encouragement should be given to the forming Volunteer Corps in all the principal Towns in Scotland'. NLS, MS 7, ff. 154-57, A. Dirom to Lord Advocate, Edinburgh, 27 March 1797. Robert Dundas appears to have been convinced by this. See: *ibid.*, ff. 150-53.

¹⁴⁶ Western, Ph.D., p. 165.

¹⁴⁷ *The Times*, 3 June 1797.

¹⁴⁸ 37 Geo. III, c. 103, 'An Act to raise and embody a Militia Force in that Part of the Kingdom of Great Britain called Scotland. - [19th July 1797.]'. The complete provisions of the Bill – 65 sections in all – were published in the Scottish press one month before the Act was passed by Parliament, see for example: *Caledonian Mercury*, 15 June 1797; and *Glasgow Courier*, 15 June 1797. The opening section of the Act described the inadequacies of the existing defence arrangements in Scotland in scathing terms, thus emphasising the absolute necessity of instituting a Militia force. It was held that 'the Laws now in being for the Regulation of the Fencible Men, or Militia, in *Scotland*, are defective and ineffectual'. *Ibid.*, s. 1 [original italics].

¹⁴⁹ For the Bill of 1759 and later militia proposals, see: Robertson, *Militia Issue*, pp. 98, 119; Western, *English Militia*, pp. 206-9, 217-18; and Eric J. Graham, *A Maritime History of Scotland, 1650-1790* (East Lothian, 2002), pp. 205-7.

¹⁵⁰ The Act provided for exemptions from militia service for married men with two or more children, officers or men serving with either the regular or volunteer forces – if they had enlisted before the passing of the Act – and various professions such as sailors, apprentices, articled clerks, ministers, schoolmasters and professors.

meetings where they were to be checked and revised by the deputies lieutenant. All lists were to be posted on the local church door on the Sunday preceding the date set for the District meeting, and any grievances or objections from those whose names appeared on the lists could be raised at these meetings. The finalised lists were then to be forwarded onto a general meeting for the whole county, and from there to the Privy Council, which would set the quota of men to be raised by each county. The last step in the proceedings was for the deputies lieutenant of each district to conduct the actual ballot, and raise the number of men required by their quota.¹⁵¹ Crucially, following the fencible mutinies of 1794-95, one section of the Act stressed: 'That neither the Whole, or any Part of the Militia ... shall on any Account be carried or ordered to go out of that Part of *Great Britain* called *Scotland*'.¹⁵² The authorities had clearly learned from the problems encountered with the fencible regiments, and appeared intent on avoiding any confusion or misunderstandings on this occasion.

Thus, with seemingly every caution having been taken to accommodate potential concerns and no effort spared to make the Act as palatable as possible, the authorities hoped to establish a Scottish militia without a repetition of the disturbances which had marred the implementation of the Supplementary Militia in England the previous year.¹⁵³ Indeed, one of the main differences between the provisions for the Supplementary Force in England and the new Scottish Militia – the narrower age-band for the Scottish force – was intended as a conciliatory measure.¹⁵⁴

¹⁵¹ A concise summary of the whole provisions of the Act can be found in: Logue, *Popular Disturbances*, p. 78. See also: Meikle, *Scotland*, p. 179.

¹⁵² 37 Geo. III, c. 103, s. 55 [original italics].

¹⁵³ Western, Ph.D., p. 172.

¹⁵⁴ Under the English Act, all fit men aged eighteen to forty-five were liable for service, unless exempt according to the provisions of the Act. Western, Ph.D., p. 136. The conciliatory intentions the government had in setting such a narrow age-band was stressed by the Duke of Buccleuch, see: NAS, GD224/423/7, [Duke of Buccleuch, Military Papers, 1762-1812], 'Address to the Inhabitants of the County of Mid-Lothian by His Grace THE DUKE OF BUCCLEUCH, Lord Lieutenant of the county of MID-LOTHIAN', undated; and NAS, RH2/4/81, f. 3 [the same address]. See also: Western, 'Scottish Militia', *SHR*, 34 (1955), 3-4. Parliament later raised the upper age-limit to 30, which was in accordance with the plan Henry Dundas had outlined in a letter to the Lord Advocate on 7 March 1797. Meikle, *Scotland*, Appendix C, Henry Dundas to Lord Advocate, Somerset Place, 7 March 1797. The Act of Parliament was: 39 Geo. III, c. 62 [21 June 1799], cited in: Western, 'Scottish Militia', *SHR*, 34 (1955), 4.

ii) The Militia Riots

All these good intentions notwithstanding, the first indication that the implementation of the Act might not be carried through without resistance appeared already on 27 July, when a farmer in the parish of Campsie went to his local church and tore out those pages of the parish register on which his son's name was listed – presumably with the intention of preventing him from being balloted.¹⁵⁵ A few weeks later, on 16 August, 'the young men' of Strathaven held a meeting for the purpose of taking 'the Militia Act into consideration', at which they demonstrated their unequivocal opposition to the measure.¹⁵⁶ These two incidents were, however, only reported to the authorities at the very end of August, and the first news of serious opposition to the Act to reach a senior official in Edinburgh, was a report sent by the Earl of Home to Lord Adam Gordon on 17 August, concerning recent disturbances in Berwickshire.¹⁵⁷ The unrest had taken place at Eccles church, where – it was later reported in the press – a crowd of between six or seven hundred people, many of them women, and some of whom had been pressurised into joining, had successfully disrupted a meeting of the local deputies lieutenant.¹⁵⁸ Amidst cries of 'No Militia! No Militia!' the gentlemen assembled at the meeting had been forced to sign a paper, whereby they pledged themselves 'to do every thing in their power to delay the execution of the Militia Act, and to use all their influence to get it repealed'. The crowd had acted in a violent manner, the men being armed with sticks and the women 'having their aprons filled with stones', and during the foray, one of the deputies lieutenant – a Mr. Waite – had twice been knocked down.¹⁵⁹ Lord Home also warned of the possibility of further unrest, referring to information he had obtained that 'similar disturbances will occur at Lauder on Saturday next'.¹⁶⁰ Once the crowd had obtained its objective of making the local government officials sign

¹⁵⁵ NAS, RH2/4/80, ff. 216-19, Revd. Mr James Lapslie to R. Dundas, 28 August 1797.

¹⁵⁶ *Ibid.*, ff. 202-207, Declaration by William Aiton, Writer in Strathaven, Hamilton, 27 August 1797.

¹⁵⁷ *Ibid.*, f. 162, Earl of Home to Lord Adam Gordon, Dunse, 17 August 1797.

¹⁵⁸ It was reported that a group of people had gone to 'the houses of most of the farmers in the vicinity of Eccles, insisting that their servants should instantly join them, and proceed to Eccles, in order to express their hatred of the militia act'. Many of the servants had readily joined the crowd, but many had also resisted, only to be violently coerced into following the group. *Glasgow Courier*, 26 Aug. 1797; and *The Times*, 29 Aug. 1797 [*The Times* based its coverage on the reports in the Scottish press.].

¹⁵⁹ *Ibid.* On the riot at Eccles, see also: the *Caledonian Mercury*, 26 Aug. 1797.

¹⁶⁰ NAS, RH2/4/80, f. 162.

the paper, the unrest in Eccles appears to have died down, but, when the authorities tried to hold an investigation into the riot a few days later, 'a large body of people' attempted to interrupt the meeting which sat in nearby Orwinslane. On this occasion the crowd was easily dispersed by a detachment of the Cinque Port Cavalry, which had been ordered in from Greenlaw,¹⁶¹ and shortly after, the commander of the cavalry unit reported that the county of Berwickshire would 'very soon' be 'perfectly quiet'.¹⁶²

Although the riot at Eccles was more violent than most of those that were to follow, it none the less set a pattern for the subsequent unrest in other places. People sought either to destroy the lists of those liable to be balloted, to force the magistrates or deputies lieutenant to sign documents whereby they pledged to take no further part in the execution of the Act (thus preventing any new lists from being drawn up), or to stop the local officials from carrying out the proceedings of augmenting and finalising the militia lists, if necessary by the use of violence. This, some of the rioters evidently thought, would prevent the Militia from being raised.¹⁶³ Following the disturbances at Eccles there was a brief interlude of a few days, when the country was generally quiet, before further outbreaks of unrest were reported from the Border towns of Selkirk and Jedburgh. Several hundred people assembled in Selkirk on 21 August where they proceeded to disrupt the District meeting, and attack one of the deputies.¹⁶⁴ In Jedburgh on 22 August, a 'body of two hundred rioters' was reported to have gathered, only to be dispersed by the local Yeomanry Cavalry.¹⁶⁵ On the same day as this potentially serious situation in Jedburgh was defused by the intervention of the military, a crowd at New Galloway in the Stewartry of Kirkcudbright, further west in the Borders region, successfully disrupted the local District meeting, by rushing into the Court House where the meeting was being held

¹⁶¹ *Glasgow Courier*, 29 Aug. 1797.

¹⁶² NAS, RH2/4/80, f. 168, Major Robert Dundas Saunders of the Cinque Port Fencible Cavalry to Lord Adam Gordon, Dunse 23 August 1797. The disturbances in Eccles were believed to have 'originated in a few Parishes round Greenlaw'. *Ibid.*

¹⁶³ Logue, *Popular Disturbances*, pp. 102-3.

¹⁶⁴ *Ibid.*, p. 79.

¹⁶⁵ *Caledonian Mercury*, 26 Aug. 1797. The relative ease with which the Jedburgh riot was dispersed, may have been due to a rather half-hearted involvement by many of the rioters. The *Glasgow Courier* reported that a number of people appeared to have 'acted under the influence of compulsion, and of course were glad to avail themselves of any pretence to return home'. *Glasgow Courier*, 31 Aug. 1797.

and tearing up the militia lists which were under consideration. On this occasion, no military force was at hand to stop the rioters from menacing the judges in the Court House.¹⁶⁶

The Borders were not alone in being affected by unrest at this point. Several parishes in the western Lowlands experienced outbreaks of disturbances simultaneous with those taking place further to the south and south-east. At Cadder Church in Lanarkshire, on 22 August, the authorities had been ‘obliged to postpone the business’ of carrying the Militia Act into effect, when a number of people had successfully obstructed the proceedings that were under way, and similar disturbances were reported to have taken place in the parishes of Campsie and Balfron in Stirlingshire on the same day.¹⁶⁷ Both at Cadder and Balfron, the crowds had not been content merely with tearing up the militia lists, but had also ‘chased to their homes the Deputy Lieutenants and Magistrates’.¹⁶⁸ Some sort of riot had also taken place at Falkirk,¹⁶⁹ and there were further disturbances in Lanarkshire two days later, when the District meeting at Strathaven church was interrupted by a noisy and boisterous, but largely good-natured crowd.¹⁷⁰

Disturbances continued to erupt in the western part of the Lowlands in the following days. On 25 August a stone-throwing crowd attacked the local schoolmaster’s house at New Kilpatrick in Dunbartonshire, forcing him and his family to flee,¹⁷¹ and the meeting of the deputies lieutenant for the district of Easter and Wester Kilpatricks was ‘forcibly obstructed by a body of about 300 people’. The deputies had only just been able to escape ‘from the hands of the rioters’, by adjourning the meeting and riding off to the Lord President’s house at Garscube, but there the crowd had re-assembled, now ‘armed with sticks and bludgeons’, and it took the determined intervention of the Royal Glasgow Volunteers – both infantry and cavalry – to stop them. Ten of the rioters were subsequently arrested, and six of

¹⁶⁶ Logue, *Popular Disturbances*, pp. 79-80.

¹⁶⁷ *Glasgow Courier*, 24 Aug. 1797; and *Caledonian Mercury*, 26, 28 Aug. 1797. See also: Logue, *Popular Disturbances*, p. 81.

¹⁶⁸ *The Times*, 30 Aug. 1797.

¹⁶⁹ NAS, RH2/4/80, f. 166v. Major James Mayne to the Duke of Montrose, Stirling, 23 August 1797.

¹⁷⁰ The *Glasgow Courier*, for example, only commented that ‘some trivial opposition has manifested itself in the parishes of Strathaven, Kirkintulloch, &c.’. *Glasgow Courier*, 29 Aug. 1797; and Logue, *Popular Disturbances*, p. 82.

¹⁷¹ *Ibid.*, p. 83.

them committed to prison.¹⁷² Similar incidents took place at Carstairs and Lanark the next week – on 28 and 29 August respectively – and in both cases, the authorities were compelled to give up the lists that had been compiled.¹⁷³ By now, Ayrshire had also become affected. On 26 August a group of about sixty people had marched from Beith to Dalry, where the sight of them caused the deputies lieutenant to make a hasty retreat, apparently in fear of their lives, although the crowd only proceeded to carry a ‘Tree of Liberty’ in procession through the town, before eventually planting it in the town-centre.¹⁷⁴ Further south, the District meeting at Galston was interrupted by a ‘numerous Body of People’, who demanded of the deputies lieutenant that they inform the Lord Advocate of ‘how disagreeable the Act was to them’, and ‘that the measure of raising a Militia is contrary to the wishes of the people in the parish of Galstoun’. This, the deputies promised to do – and did – and the crowd then dispersed, although only after planting a Tree of Liberty.¹⁷⁵ More serious disturbances followed at Ochiltree and New Cumnock on 30 August, where – in the latter place – the crowd seized the local schoolmaster at his house, dragged him to the river and ducked him there until he nearly drowned. These were, however, the last outbreaks of rioting in the central Lowlands.¹⁷⁶

There were yet more riots in the south-west, now primarily in Dumfriesshire, where a disturbance in Kirkpatrick Fleming on 25 August followed the standard pattern of the rioters disrupting the District meeting, destroying the militia lists and forcing the deputies to sign a bond whereby they promised to take no further action to implement the Militia Act. Disturbances continued in and around Dumfries for several days. The town itself was targeted on 28 August,¹⁷⁷ there was a riot at Dunscore on the same day, and another at Boreland of Dryse three days later,¹⁷⁸

¹⁷² *The Times*, 30 Aug. 1797 [*The Times* verified its source as the *Glasgow Advertiser*]. See also: *Caledonian Mercury*, 28 Aug. 1797.

¹⁷³ Logue, *Popular Disturbances*, p. 82.

¹⁷⁴ NAS, RH 2/4/80, f. 200, Earl of Eglinton to ‘My Lord’ [Portland?], Eglinton Castle, 27 August 1797; Logue, *Popular Disturbances*, p. 84; and Western, ‘Scottish Militia’, *SHR*, 34 (1955), p. 4.

¹⁷⁵ NAS, RH2/4/80, f. 67 William Cunninghame, Thomas Waltoun, and William Hamilton, Dep. Lts. to Lord Advocate, Waterside of Galston, 2 September 1797. See also: Logue, *Popular Disturbances*, p. 84; and Meikle, *Scotland*, p. 182.

¹⁷⁶ *Scots Chronicle*, 12 September 1797, cited in: Logue, *Popular Disturbances*, pp. 84-5; and Sandy Mullan, *The Tranent Massacre* (East Lothian Council, 1997), p. 9.

¹⁷⁷ *Glasgow Courier*, 2 Sept. 1797.

¹⁷⁸ Logue, *Popular Disturbances*, p. 84.

while a meeting at Moffat turned particularly ugly when one of the deputies lieutenant – guarded by a party of dragoons – was attacked by ‘a Riotous Mob and a good deal of Blood was drawn’.¹⁷⁹ No lives were lost, however, and in most of the other Dumfriesshire parishes that were affected by riots, it was the schoolmasters rather than the District meetings that were the target of the crowds’ anger.¹⁸⁰ Further to the west, at Wigtown on 27 August, the deputies had to postpone their business, even though troops were at hand, because the crowd – which had already seized the militia lists – was able to blockade the meeting place and thereby prevented them from signalling to the military.¹⁸¹ By now, however, the focus of rioting and the attention of the authorities had already turned to the eastern parts of the Lowlands.

At the same time as riots were taking place in Strathaven, opposition to the militia had also manifested itself in nearby West Lothian, where, on 24 August, a large crowd had assembled on Bathgate Muir to protest against the Militia Act.¹⁸² *The Times* reported that a meeting, consisting of ‘between two and three thousand people’ coming from the parishes of Whitburn, Livingstone, Bathgate, Torphichen and Uphall, had requested and obtained a ‘bond’ from the deputies lieutenant whereby they agreed to take no further part in the execution of the Act.¹⁸³ The day before the Bathgate disturbance, the Earl of Hopetoun had asked Lord Adam Gordon to despatch regular troops to Kirkliston where a District meeting was to be held the next day, because ‘the County People are so much set against it, & threaten to assemble three or four hundred to obstruct it, which the Yeomanry could not repress’.¹⁸⁴ Gordon acquiesced in the request, although he was not convinced by its necessity.¹⁸⁵ Later comments made by Robert Dundas seem to indicate that

¹⁷⁹ NAS, RH2/4/81, f. 53, Extract of a letter from David Haig, Esq., Deputy Lieutenant, Blair, 5 September 1797.

¹⁸⁰ Western, Ph.D., pp. 178-79.

¹⁸¹ *Ibid.*; and Logue, *Popular Disturbances*, p. 84.

¹⁸² Logue, *Popular Disturbances*, p. 83.

¹⁸³ *The Times*, 29 Aug. 1797. The number of people quoted by *The Times* as having attended the meeting is not confirmed by other sources, and was probably exaggerated. Similar loose estimates of ‘some thousands’ were given for the Kilpatrick riots, and it seems likely that – in the heat of the moment – some of the observers on the ground were disposed to give inflated estimates of the crowds they were facing. None the less, these estimates are still clear indications that significant numbers of people were involved.

¹⁸⁴ NAS, RH2/4/80, f. 170, Earl of Hopetoun to General Lord Adam Gordon, Hopetoun House, 23 August 1797.

¹⁸⁵ *Ibid.*, f. 170v, Lord Adam Gordon to the Earl of Hopetoun, 23 August 1797.

opposition to the militia was widespread and lasting in West Lothian and that Hopetoun may have been right in doubting the usefulness of the Yeomanry in suppressing these disturbances. 'In West Lothian', he wrote 'I suspect the Yeomanry have been ... intimidated through the threats of burning their Houses & Barns', a type of threat to which this kind of local force was particularly vulnerable.¹⁸⁶

The unrest in West Lothian was quickly followed by disturbances in East Lothian, and it was there that the most serious of all the militia riots was to take place. Rioting was first reported to have occurred in the parish of Gifford on 27 August,¹⁸⁷ and again two days later when a crowd of 700 people was claimed to have been involved,¹⁸⁸ but these incidents were little more than light skirmishes when compared with the riot that took place at Tranent, half-way between Edinburgh and Haddington, on 29 August. The Tranent riot has been well-researched and documented, and only a brief account of the events will be given here.¹⁸⁹

Trouble had been brewing in the area for some time before the 29th. *The Times*, for example, later reported that 'The affair at Tranent, it appears, had been for several days in agitation', and there were rumours circulating in the area just before the riot that messages had been passed from parish to parish, encouraging people to turn up at Tranent on the day appointed for the District meeting.¹⁹⁰ The local deputies took no chances, and wrote to the commander of the Cinque Port Light Dragoons then stationed at Haddington, requesting military assistance for the day of the meeting.¹⁹¹ By the time the deputies arrived under military escort on the morning of 29 August, many people – mainly women – had already assembled in the main street of Tranent, and there they proceeded to threaten and abuse the public officials and soldiers as they made their way to the public house where the meeting was to take

¹⁸⁶ *Ibid.*, ff. 248-51, R. Dundas to Duke of Portland, Edinburgh, 30 August 1797 [quote: f. 249].

¹⁸⁷ Logue, *Popular Disturbances*, p. 85.

¹⁸⁸ *The Times*, 5 Sept. 1797.

¹⁸⁹ Comprehensive accounts of the militia riot at Tranent can be found in: Kenneth Logue, 'The Tranent Militia Riot of 1797', *Transactions of the East Lothian Antiquarian and Field Naturalists' Society*, 14 (1974), 37-61. See also: Logue, *Popular Disturbances*, pp. 85-94; and Sandy Mullan, *The Tranent Massacre* (East Lothian Council, 1997). As the by far most serious of the Scottish militia riots, the events at Tranent also received extensive coverage in the press, see for example: *Caledonian Mercury*, 31 Aug., 4 Sept. 1797; *Glasgow Courier*, 31 Aug., 2 Sept. 1797; and *The Times*, 5, 11 Sept. 1797.

¹⁹⁰ *The Times*, 11 Sept. 1797.

¹⁹¹ Logue, 'Tranent Militia Riot', pp. 41-2; Logue, *Popular Disturbances*, p. 85; and Mullan, *Tranent*, pp. 25-27.

place. Once inside the house and well underway with the business of the day, the deputies were presented with a petition which had been drawn up in Prestonpans earlier the same day, expressing disapproval of the Militia Act and threatening violence against anyone attempting to implement its provisions.¹⁹² The deputies at the meeting, however, quickly dismissed the Prestonpans letter as highly seditious. Whether due to a pre-concerted plan in case the petition was not accepted, or due to spontaneous anger when the letter was rejected, the crowd now turned increasingly hostile and began throwing stones at the house and at the guard outside.¹⁹³ As the attack intensified with volleys of stones thrown at the house, many of them smashing through windows, the deputies were forced to break off the meeting and retreat to a back room. Reinforcements in the shape of a detachment of the Pembrokehire cavalry were brought in to break the siege, but at this point the crowd held the upper hand – partly because the cavalry found it difficult to operate effectively in the narrow streets, and partly because some of the rioters had climbed up on the rooftops, which gave them a good vantage point to pelt the troops with bricks. During the general mêlée that ensued, one of the deputies, John Caddel, made an attempt to read the Riot Act, but his voice was drowned by the noise from the crowd and, as he tried to step out of the house, he was met by a volley of stones. Angered by this, he began to shout abuse at the crowd, and shortly thereafter the soldiers opened fire. It has never been established who gave the order to fire – if indeed such an order was given – but the consequences were obvious enough.¹⁹⁴ Initially, the firing does not seem to have made any significant impact on the crowd, which may have thought that it was meant as a warning and would soon stop, but as

¹⁹² The Prestonpans petition can be found in, NAS, RH2/4/81, ff. 113-14, Declaration, Pres. Pans, 29 August 1797.

¹⁹³ There has been some debate as to whether the rejection of the Prestonpans letter served as a signal for a planned attack on the deputies and military, but however plausible this theory may be, no explicit evidence has yet been produced in support of it, see: Logue, 'Tranent Militia Riot', p. 44; Logue, *Popular Disturbances*, p. 87; and Mullan, *Tranent*, p. 31. Logue's chief source of information on the actual rioting at Tranent, and the perhaps most detailed account of the event was: NAS, RH2/4/81, ff. 105-112, Deputy Lieutenants of East Lothian to the Lord Lieutenant, the Marquis of Tweeddale, 8 September 1797.

¹⁹⁴ Although the Riot Act had been read, the soldiers were not free to fire on their own initiative, but needed an authorisation from the civil magistrate, and the accounts given by the central civil and military figures on the spot were unclear as to whether this had in fact been done. Kenneth Logue has argued that this ambiguity may well have been 'deliberately engineered in order to avoid putting the responsibility for subsequent events on anyone in particular', but it is perhaps as likely that the situation became genuinely confused. Logue, *Popular Disturbances*, pp. 88-9.

the first dead fell in the street, including two women, and those of the rioters who were positioned on the rooftops were being specifically targeted and gradually forced down, the crowd began to disperse. Events now took a rapid turn for the worse. Seeing the crowd in the process of losing the advantage it had held so far, many of the troops – who had been abused and attacked for over an hour – ran out of control and charged at the dispersing crowd. As some villagers fled out of the town, they were pursued by troops, who proceeded to assault, not only some of the rioters, but also a number of people outside of Tranent, who had not been involved in the riot and were either working in the fields or on their way *to* the town. Some of the officers made attempts to stop the soldiers, chasing after them and giving out the trumpet signals for ‘cease fire’, but, by the time the troops had been brought under control, eleven people had been killed and possibly as many as twenty wounded. One of the wounded later died, bringing the total dead up to twelve.¹⁹⁵ This marked the end of the Tranent riot, but in its aftermath a total of thirty-six rioters were tried for mobbing and rioting. All those who appeared before the court were acquitted, while none of the soldiers who had been involved in the unauthorised pursuit and killing of civilians was ever brought to trial.¹⁹⁶

The militia riots were not over with the bloody affair at Tranent, however. Opposition to the militia had already been manifested further north in Fife and Kinross. There was a disturbance at Leuchars on 26 August and another in the parish of Markinch three days later, where it was reported that a crowd of a thousand people had forced the deputies lieutenant to surrender the parish list.¹⁹⁷ On 24 August, there had been unrest north of the Tay at Newtyle and Monfieth in Angus, where the schoolmasters had been forced to give up the lists, and similar incidents took place 30 August in the parish of Dysart and in Linktown.¹⁹⁸ From Tayside, opposition to the Militia Act moved gradually into Perthshire. The Duke of Atholl, who was the Lord Lieutenant of the county, reported on 29 August that the schoolmasters in and around Perth were refusing to act because they feared maltreatment at the hands of

¹⁹⁵ *Glasgow Courier*, 31 Aug. 1797; and Logue, *Popular Disturbances*, pp. 89-94.

¹⁹⁶ *Ibid.*, pp. 94, 101; and Logue, ‘Tranent Militia Riot’, pp. 51-6.

¹⁹⁷ *The Times*, 23 Sept. 1797; and Logue, *Popular Disturbances*, pp. 94-5.

¹⁹⁸ *Caledonian Mercury*, 14 Sept. 1797.

the people.¹⁹⁹ Two days later a crowd at Alyth seized the militia list there, before marching on to Rattray where they successfully forced the local schoolmaster to tear up his list himself, and at the District meeting in Blairgowrie the next day, a large crowd – which probably consisted mainly of people from Alyth and Rattray – successfully disrupted the business of the deputies lieutenant. Similar incidents followed further to the north and west at Balnakeilly, Faskally, Weem and Blair Atholl on 2 and 3 September, before a disturbance at Foss in the parish of Dull marked the beginning of a long spell of organised unrest in Strathtay. Two well-known radicals – Angus Cameron and James Menzies – took charge of the crowd which had assembled in Foss and led them to Castle Menzies, the meeting place of the deputies lieutenant for the county, where they forced the owner of the house, Sir John Menzies, to sign a bond promising not to take any further part in the execution of the Militia Act. From there the crowd continued along the north bank of the Tay, extracting similar bonds from deputies in the parishes of Balfracks, Ballechin and Pitnacree, before arriving in Balnakeilly on the morning of 5 September. At Balnakeilly they were unable to extract a bond from the local official, John Stewart, who refused to be intimidated by threats to burn his house, and – having had their bluff called by Stewart – the crowd moved on towards Blair Atholl. The duke, however, had already experienced trouble in his area, and therefore met them well prepared, having mobilised four hundred of his servants to defend him. Faced with this kind of opposition, the crowd gave up and dispersed. Cameron then travelled around the area, trying to stir people up to join him at an anti-militia meeting at Fortingal on 11 September, but, with very few people turning up, the meeting was an anti-climax, and three days later both Cameron and Menzies were arrested.²⁰⁰

The fiasco of the Fortingal meeting was but one example of the disturbances fizzling out and, on 9 September, Robert Dundas wrote to the Duke of Portland, assuring him that ‘in Fifeshire, all serious resistance is at an End’. The same appeared to be the case in Perthshire and, across most of the previously troubled Borders region, the deputies were now reported to be in the process of implementing

¹⁹⁹ NAS, RH2/4/80, ff. 240-41, Duke of Atholl to Lord Advocate, Blair, 29 August 1797.

²⁰⁰ The account of the disturbances north of the Tay is largely based upon Kenneth Logue’s work, see: Logue, *Popular Disturbances*, pp. 95-9.

the Act.²⁰¹ Four days later, Robert Dundas wrote to the Home Office again stating that, ‘the threatened Rebellion vanishes away rapidly’, and he expressed his satisfaction that ‘our Magistrates begin to recover from the trepidation into which I was hurt & alarmed to see that they had fallen’.²⁰² Lord Adam Gordon could confirm that ‘things are getting better’ in a letter he wrote to the Home Secretary on 8 September, but he was nevertheless deeply concerned about the possibility of a fresh burst of rioting in ‘the Highland, and Islands of North Britain’. In his assessment, the authorities could well be facing ‘almost insuperable difficulties’ in carrying the Act into execution there.²⁰³ At first sight, Robert Dundas’s assurances may appear slightly premature and Adam Gordon’s concerns justified, since, three days before Dundas wrote his letter to Portland, he had himself received a warning from the Earl of Aboyne about the possibility of riots in the Aberdeen area.²⁰⁴ Aboyne wrote that ‘the people’s minds in the upper parts of Aberdeenshire are in such ferment that we the deputy lieutenants are extremely diffculted how to act in carrying the Militia Act into effect’, and, although he went on to assure Robert Dundas that, ‘I, for one am not easily alarmed’, he nevertheless thought it best to ask the advice of the Lord Advocate as to how they ought to proceed in the matter. Would it be better, Aboyne wondered, to ‘gain something by delay’, or should they simply press ahead with the implementation of the Act? The District meeting had been scheduled for 16 September, and Aboyne expected there to be every chance of disturbances on the day.²⁰⁵ Similar concerns were also expressed by Alexander Moir, the Sheriff-Deputy for the area,²⁰⁶ and, as forecast by the Earl, a sizable crowd of some ‘five or six Hundred’ made their appearance on the day.²⁰⁷ The deputies lieutenant acted quickly, however, and had already postponed the meeting by the time the crowd arrived ‘in order to give time for the Circulation of certain printed papers, explanatory of the Act’. Having been thus ‘disappointed in their object’, Aboyne wrote, the rioters

²⁰¹ NAS, RH2/4/81, ff. 93-4, R. Dundas to the Duke of Portland, Arniston, 9 September 1797.

²⁰² *Ibid.*, f. 131, R. Dundas to John King, Esq., Arniston, 13 September 1797.

²⁰³ *Ibid.*, ff. 80-1, Lord Adam Gordon to the Duke of Portland, Abbey Edinburgh, 8 September 1797.

²⁰⁴ *Ibid.*, ff. 95-6, Earl of Aboyne to the Lord Advocate, Aboyne Castle, 6 September 1797.

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*, f. 129, Alex Moir to R. Dundas, Aberdeen, 9 September 1797.

²⁰⁷ NAS, RH2/4/82., ff. 177.78, Duke of Aboyne to Lord Advocate, Aboyne Castle, 17 September 1797.

proceeded to maltreat one of the deputies so badly that he barely escaped with his life, and the schoolmaster was then forced to give up his list.²⁰⁸ Three days later, the same unfortunate Deputy Lieutenant – Gordon of Abergeldie – was again ‘maltreated exceedingly’ at a meeting at Pannanich, but this was also the last reported militia riot in 1797.²⁰⁹ On the same day, the normally pessimistic Lord Adam Gordon gave an unusually upbeat assessment of the situation in a letter to Portland, stating that ‘upon the *whole*, I think appearances are favourable – and that Tranquillity will be restored’.²¹⁰ Robert Dundas was of a similar opinion. Despite the reports he had received from Aboyne, he insisted on taking a positive view of the situation, and wrote to Portland that: ‘I nevertheless remain of opinion, that the Resistance to the Militia Act will soon be entirely at an End’. His reason for being optimistic was primarily correspondence he had received from Mackenzie of Seaforth, the Lord Lieutenant of Ross-shire, who had assured him that ‘every thing has been & will continue quiet’ in the north-west.²¹¹ Seaforth’s view was justified, since the Highlands and Islands remained quiet throughout the period of rioting over the Militia Act elsewhere in Scotland.²¹² It was not until 3 October, however, that Robert Dundas could finally confirm to Portland that ‘all Disturbance therefore, we may with certainty conclude, is over’.²¹³

Widespread though the riots were, it is worth pointing out that not everyone who disapproved of the Militia Act, necessarily approved of the violence that accompanied so many of the protests. The inhabitants of Crieff and Madderty in Perthshire, for example, organised meetings with the intention of petitioning the king against the Act, while at the same time expressing their disgust at ‘the maltreatment of poor Schoolmasters, who had no vote in making the said Act more than those who are affected by it’.²¹⁴ It is also clear that many people were pressurised into joining the crowds of rioters, and therefore took part in the disturbances only very

²⁰⁸ *Ibid.*, f. 179, Alexander Moir to Lord Advocate, Aberdeen, 18 September 1797.

²⁰⁹ *Ibid.*

²¹⁰ NAS, RH2/4/81, ff. 158-59, Lord Adam Gordon to the Duke of Portland, Abbey Edinburgh, 18 September 1797 [original italics].

²¹¹ NAS, RH2/4/82, ff. 175-76, R. Dundas to the Duke of Portland, Edinburgh, 20 September 1797.

²¹² Western, Ph.D., pp. 183-84; and Western, ‘Scottish Militia’, *SHR*, 34 (1955), 12-13.

²¹³ NAS, RH2/4/82, ff. 199-202, Robert Dundas to the Duke of Portland, Edinburgh, 3 October 1797 [quote from f. 200.].

²¹⁴ *Scots Chronicle*, 8 September 1797, cited in: Logue, *Popular Disturbances*, p. 96.

reluctantly. Before the riot at Campsie on 23 August, for example, it was reported that many farmers and ‘country people’ had been compelled into attending the anti-militia meetings under threats of ‘having mischief done to their property’, and this was by no means an isolated incident.²¹⁵ At the same time as rioting was spreading across much of southern Scotland, however, there were also a number of places that were conspicuous, not only for their acceptance of the Militia Act, but for their wholehearted support for the measure.

iii) Peaceful responses to the Militia Act

The first report of peaceful militia proceedings came from Stirling, in a letter written by the Duke of Montrose. Expecting an outbreak of disturbances in the town, Montrose had decided to be present for the District meeting, but upon arriving in the town he found that ‘I met with no obstruction ... & held the General Meeting proscribed by the Act’, and in general ‘found every thing quiet at Stirling’.²¹⁶ On 28 August, the *Caledonian Mercury* reported that the Militia Act had been given a peaceful reception in the parishes of Rutherglen and Cambuslang, just south of Glasgow. At Rutherglen, it was reported that the inhabitants had ‘lately met, and in the most harmonious manner made up their list in terms of the Militia Act’, which, it was claimed, was ‘highly creditable to that ancient burgh, which has on every occasion been remarkable for its unshaken loyalty and attachment to the King and Constitution’, while the inhabitants at Cambuslang were held to have followed ‘a similar line of conduct’.²¹⁷ Further reports of peaceful proceedings were sent from the parish of Newburgh in Fife on the same day, where the schoolmaster had been able to set up the list and post it on to the church door ‘without the smallest appearance of discontent on the part of the inhabitants’.²¹⁸ One week later it was reported that the deputies at Kirkcaldy – also in Fife – had gone through the ‘militia business with the greatest ease’,²¹⁹ and the same had been the case at Ferry

²¹⁵ NAS, RH2/4/80, ff. 216-19, Revd. Mr Lapslie, minister of Campsie to Lord Advocate, 28 August 1797 [quote from f. 218v.].

²¹⁶ NAS, RH2/4/80, ff. 172-73, Montrose to Portland, Edinburgh, 25 August 1797.

²¹⁷ *Caledonian Mercury*, 28 Aug. 1797. The same report was also printed in: *The Times*, 1 Sept. 1797.

²¹⁸ *Glasgow Courier*, 9 Sept. 1797 [Report on Newburgh, dated: 28 August].

²¹⁹ *Caledonian Mercury*, 7 Sept. 1797.

Port on Tay in the same part of the country.²²⁰ At Dundee, the Militia Act had – according to *The Times* – been ‘most cordially acquiesced in’,²²¹ and some parts of Perthshire also stayed perfectly quiet, most notably Perth itself, where the meeting for the Perth District had been held on 8 September ‘without the least appearance of disturbance’. The Carse District in the County of Perth had held its meeting two days earlier, when there was a similar absence of trouble,²²² and, on 13 September, the Dunblane District meeting went through its business without any problems occurring.²²³ Over in the western part of the country, the District meetings at Mearns and Neilston in the county of Renfrew, held on 15 and 16 September respectively, were conducted ‘with good order, regularity, and much to the satisfaction of the persons who attended on the occasion’. The same was the case for the meeting in the parish of Eaglesham held a few days later,²²⁴ and overall, Renfrewshire remained remarkably quiet and untroubled throughout the period of rioting in the nearby counties of Lanarkshire and Ayrshire.²²⁵ About the same time as the District meetings in Renfrewshire were conducted under so favourable circumstances, the Sheriff-Deputy of Stonehaven wrote to Lord Adam Gordon to inform him that ‘the People in our County, have with regard to the Militia Act, behaved in a most exemplary [*sic*] manner’.²²⁶ The business of the District meetings had been ‘carried on with *Harmony*, and *good Humour*’ and, although several objections had been put forward at these meetings, by people who for legitimate reasons should not have been on the lists, ‘not one *Murmur* was uttered against the act in general’. On the basis of this success, Burnett hoped that he would be able to implement the provisions of the Act equally smoothly in ‘Fettercairn & some of the neighbouring Parishes’.²²⁷

²²⁰ *Ibid.*, 16 Sept. 1797.

²²¹ *The Times*, 8 Sept. 1797.

²²² *Ibid.*, 9 Sept. 1797.

²²³ *Glasgow Courier*, 19 Sept. 1797.

²²⁴ *Ibid.*

²²⁵ The absence of disturbances in Renfrewshire was in no mean degree due to the relentless efforts made by William MacDowall – the Lord Lieutenant of the county – to explain the Act carefully, and to ‘stagger’ the district meetings so as to be able to attend every one of them in person, see: Western, Ph.D., p. 181; and *Glasgow Courier*, 12 Sept. 1797. See also: NAS, RH2/4/83, f. 61, Will. McDowall to ‘My Lord’, Newts Hotel, 26 January 1798.

²²⁶ NAS, RH2/4/81, f. 160, Al. Burnett, Sheriff-Deputy to Lord Adam Gordon, Stonehaven, 16 September 1797.

²²⁷ *Ibid.* [original italics].

Just how interspersed some of the more troubled areas were with places that saw little or no unrest at all, is evident from the experience of East Lothian. On the same day as the Tranent riot took place, the nearby town of Haddington – as well as the coastal town of Dunbar somewhat further away – both escaped any violence or disturbances at their District meetings. The ‘greatest quietness and order’ was reported to have prevailed during the proceedings there.²²⁸ Most remarkable, however, of all the places that attracted attention for their wholehearted support for the Militia Act and its provisions, was Mid Lothian, where the complete absence of any unrest in the *whole* of the county did not fail to be noticed and commented upon by contemporaries. Indeed, the fact that such a large and populous county could remain loyal and quiet, while there were violent disturbances in the two neighbouring counties of East and West Lothian, made it even more conspicuous than the absence of opposition to the Act in the turbulent industrial county of Renfrewshire. Among the first to remark on the cordiality of proceedings in Mid Lothian was the Lord Lieutenant of the county, the Duke of Buccleuch. In a letter to the Home Secretary he wrote that ‘my Deputy Lieutenants finished their business in this District regularly and quietly’, and he was now only waiting to learn how matters had progressed in ‘the other District West of Edinr.’²²⁹ Buccleuch’s assessment was confirmed the next day by the *Caledonian Mercury*, which reported, ‘it is with much satisfaction we discover the due submission to the Militia law manifested in the quiet peaceful deportment of the inhabitants of this city, and neighbourhood’.²³⁰ In addition to the city of Edinburgh, the District meetings at Dalkeith and Canonmills were reported to have been ‘conducted with the utmost regularity’, which was all the more notable since they were in ‘that quarter of Scotland which is most populous’.²³¹ A meeting held by the Admiral and Magistrates of Leith on 11 September, ‘to hear any person that thought himself aggrieved, by being included in the list’ was also conducted to the greatest satisfaction of the authorities, and it was reported that, ‘no military attended, nor was there so much as a sentinel at the stair-foot, every person being

²²⁸ *Glasgow Courier*, 2 Sept. 1797.

²²⁹ NAS, RH2/4/81, f. 89, Duke of Buccleugh to the Duke of Portland, Dalkeith House, 8 September 1797.

²³⁰ *Caledonian Mercury*, 9 Sept. 1797.

²³¹ *Ibid.*

allowed to be present that choosed, and not the least disturbance, or inclination to riot, was shewn the whole day'.²³² Later reports on peaceful proceedings in the parishes of Corstophine and Currie near Edinburgh, in Edinburgh itself (Bruntsfield Links), in Mid- and West Calder and in the parish of St. Cuthbert's was further proof that tranquillity as the prevailing mood in Mid Lothian; and a resolution issued by the colliers of the Craighall and Cowpits coalworks in the same county pointed in the same direction.²³³ Expressing their abhorrence of 'the riotous and disorderly resistance which has taken place in some neighbouring counties', the colliers professed themselves 'WILLING and READY to come forward as MILITIA MEN, in the service of our country, if the Lot falls upon us, or to FIND SUFFICIENT SUBSTITUTES'.²³⁴ Furthermore, in one of the very few letters that survives relating to the Highlands, the Duke of Portland replied to James Brodie, the Lord Lieutenant of Nairnshire, expressing his 'satisfaction' at the 'meritorious & exemplary conduct of the Inhabitants of Nairnshire in carrying the Militia Act into effect'.²³⁵ The very last reports of peacefully conducted militia proceedings came from Ayrshire – one of those counties that had earlier been so troubled with rioting. On 25 September, the second District meeting for the parishes of Ayr, Newton, St. Quivox and Monkton was reported to have been carried out 'with the greatest harmony and good humour', which led the *Glasgow Courier* to conclude that 'the unjustifiable opposition to this patriotic and necessary measure is now rapidly subsiding'.²³⁶

Popular reactions to the Militia Act were not, however, merely a matter of blind refusal and resistance, or unquestioning and uncritical acceptance. Many people also responded in a more pragmatic and constructive manner, attempting to make the best of the situation. The crucial aspect of the Militia Act – which people felt a need to hedge against – was the unpredictability of the ballot. Since balloting was a random system of selection, there was no way in which those who would have great difficulty in serving could make sure to avoid service, before the actual ballot

²³² *Glasgow Courier*, 14 Sept. [Leith, 11 September].

²³³ *Caledonian Mercury*, 14, 16 and 25 Sept. 1797; and *Glasgow Courier*, 26 Sept. 1797.

²³⁴ *Ibid.*, 7 Sept. 1797, 'MEETING and RESOLUTIONS of the COLLIERS and OTHERS at the CRAIGHALL and COWPITS COALWORKS' [original capitals].

²³⁵ NAS, RH2/4/221, p. 325. Portland to James Brodie Esq., His Majesty's Lieutenant for Nairnshire, Whitehall, 25 September 1797.

²³⁶ *Caledonian Mercury*, 28 Sept. 1797.

had been drawn. Once selected, it was possible to avoid service by providing a substitute or paying a fine, but this was of little help for those who were either unable to pay the fine or to find a substitute (who would have to be paid anyway). The problem was quickly realised by most people and, in an attempt to address it effectively, subscription campaigns were opened up across the country for the purpose of raising funds whereby substitutes could be hired. The parish of Rutherglen seems to have been the first place to start a subscription, but the example was quickly imitated elsewhere.²³⁷ By 29 August the *Glasgow Courier* could report that subscription campaigns had been opened ‘in several of the parishes around this city’, and a few days later the *Caledonian Mercury* printed a similar statement, summarising what was now quickly becoming the standard for such campaigns:

in several parishes subscriptions have been entered into by the inhabitants to raise a fund for providing substitutes, in case the ballot should fall upon those who may find it inconvenient to serve personally, or to procure a substitute; and in some cases to give bounty to those who may be desirous of serving personally.²³⁸

In the parish of Callander in Stirlingshire, the inhabitants had come to an agreement with the Lord Lieutenant to use a subscription for substitutes as a way of avoiding the necessity of conducting a ballot altogether, and the initiative of opening subscription campaigns was quickly seized upon as a commendable way of displaying loyalty and selflessness. One example of this attitude was the actions of one officer in the Dalkeith Volunteer Corps, who offered to provide a substitute, ‘not wishing to take advantage of his exemption as a Volunteer’ as he was within the age-bracket for the militia.²³⁹ A slightly different example came from the Barony parish of Glasgow, where ‘a number of Gentlemen’ had decided to raise a fund on their own accord for the purpose of procuring substitutes ‘for those declining to act as Militia-men’, and to present a bounty to any volunteer within the parish.²⁴⁰ In East Kilbride, the heritors of the parish held a meeting on 11 September where ‘a liberal

²³⁷ *Ibid.*, 28 Aug. 1797; and *Glasgow Courier*, 29 Aug. 1797.

²³⁸ *Caledonian Mercury*, 2 Sept. 1797.

²³⁹ *Ibid.*

²⁴⁰ *Glasgow Courier*, 12 Sept. 1797. The forming of societies of gentlemen for the purpose of providing funds to hire substitutes was, according to the Duke of Buccleuch, the normal practice in England. Western, Ph.D., pp. 146-47.

subscription was opened for providing substitutes' and where 'several young men, who are liable to be balloted for, attended and subscribed One Guinea each',²⁴¹ and at the Blantyre Cotton Works, the masters and workmen had contributed nearly twenty pounds to the subscription for the parish of Blantyre.²⁴² Subscriptions were also started in a few of the places where there had previously been disturbances, such as the parish of Cadder, Dumfries and the Stewartry of Kirkcudbright,²⁴³ and in total, there appears to have been nearly thirty individual subscription campaigns set in train.²⁴⁴

Despite the fact that many people tried to hedge against the arbitrary nature of the ballot by raising funds through subscriptions, it was clear that the unpopularity of the militia, the random character of the selection procedure and the possibility of avoiding service if drawn in the ballot by paying a substantial fine, also combined to create the perfect basis for an insurance system. This was realised by a few entrepreneurial-minded individuals in Edinburgh, who proceeded to set up a 'Militia Insurance' in the middle of September, whereby those Scots who knew they were eligible to be selected for service, could pay a premium of three guineas to be 'insured from serving'. An advertisement for the programme first appeared in the *Caledonian Mercury* on 14 September, and it was re-issued a further 16 times in subsequent issues of the same year.²⁴⁵ A rival scheme was later set up by two insurance brokers in Aberdeen – Messrs. Fraser and Mole – who offered an insurance against, not only the first ballot, but also 'all subsequent ballots that may take place under the authority of the present act of Parliament'. For this they charged a lower premium of 'two guineas and a half', and even promised the return of two guineas 'in case a Peace shall render it unnecessary to carry the act into

²⁴¹ *Glasgow Courier*., 14 Sept. 1797.

²⁴² *Ibid.*, 16 Sept. 1797.

²⁴³ *Ibid.*, 9 Sept. 1797.

²⁴⁴ In addition to those places that have already been mentioned, subscriptions were reported to have been opened in: Pollockshaws in the parish of Eastwood, Mid- and West Calder, Mid Lothian, Pennycuik, Stirlingshire, Fintry, Kettle and Kennoway, Paisley, Tarbolton in Ayrshire, the parishes of Borgue and Girthon nearby Kirkcudbright, the parish of Dunlop, Symington and Blantyre, Eaglesham, the parish & New Town of Paisley and at Stonehaven, see: *Caledonian Mercury*, 2, 7, 25 Sept. 1797; *Glasgow Courier*, 31 Aug., 2, 7, 9, 16, 19 Sept., 3 Oct. 1797; and NAS, RH2/4/81, f. 160 [Stonehaven].

²⁴⁵ The men behind this initiative were Robert Allan, the publisher of the *Caledonian Mercury*, and John & John Learmonth and Co, Merchants in Edinburgh, see, *Caledonian Mercury*, 14 Sept. [and subsequent issues in 1797].

execution'.²⁴⁶ Those who entered the insurance scheme were not to be so fortunate as to have most of the premium they had paid returned to them, however, as no peace was to materialise for the next four and a half years, and the militia programme was carried through, although not without modifications or according to the original time-frame. The geographical location of the different places mentioned in the above discussion of responses to the Militia Act can be seen on Map 1.²⁴⁷

iv) The Government's response

As had been the case with the earlier riots of the decade, it was the government's men on the spot who first had to face the problem and, for many local public officials in Scotland, this renewed outbreak of rioting undoubtedly reminded them of the previous waves of disturbances in 1792-94. Perhaps for that reason, many of them suspected radical involvement in the unrest, and some came close to panicking when faced with angry anti-Militia crowds.²⁴⁸ Robert Dundas was himself far from pleased with the conduct of many of his officers, as he found it necessary to point out in a letter to the Home Secretary on 30 August. The magistrates, deputies lieutenant and justices of the peace in the counties of Dumfries, Kirkcudbright, Wigton and West Lothian, he complained, 'have been completely subdued & I am sorry to find many of them as effectually intimidated from doing their Duty'.²⁴⁹ The 'duty' of the local officials, as Dundas saw it, was to complete the first stage of implementing the Act by setting up the militia lists and conducting the District meetings as prescribed by the Act, and this several local officials failed to do in the early stages of the riots.

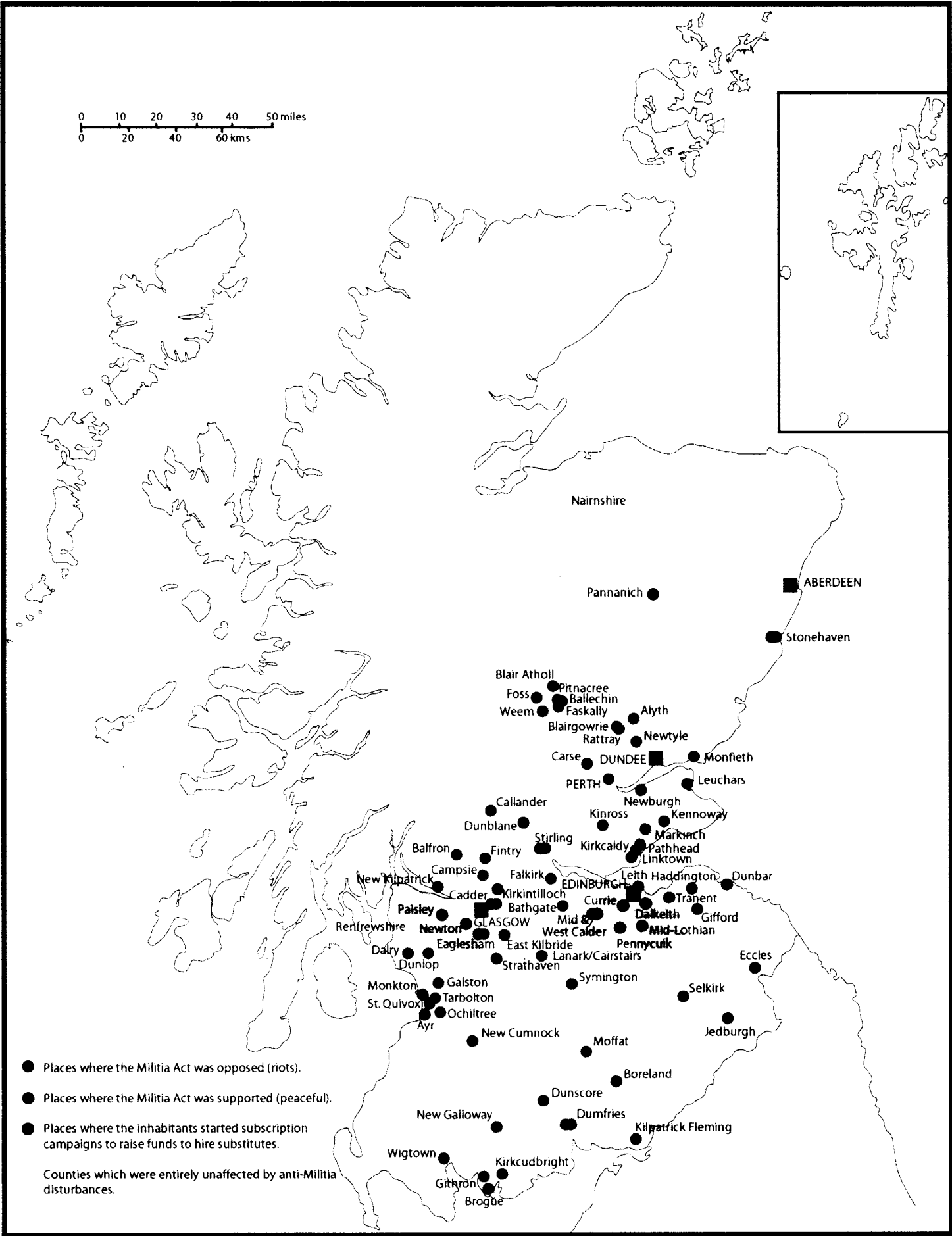
²⁴⁶ *Ibid.*, 9 Oct. 1797.

²⁴⁷ See: p. 191. Some places have been omitted due to their proximity to either Glasgow or Edinburgh. The county-boundaries on the map were based on a map of the Scottish constituencies in: *The History of Parliament*, The House of Commons, 1615-1715 (Cambridge, 2002), p. 824.

²⁴⁸ The Duke of Atholl, for example, reported that, 'in Perth the Constables refuse to act, not from any disaffection to Government, But from dread of threats being carried into execution of maltreatment'. NAS, RH2/4/80, ff. 240-41. David Haig, a Deputy Lieutenant in Dumfries, stated similarly that 'the opposition to the Militia Bill seems General through Scotland, & no where more so than in this part of the Country. There is not one of your Graces Deputies who has not been threatened with certain destruction'. NAS, RH2/4/81, f. 53, Extract of a letter from David Haig, Esq., Deputy Lieutenant, Dumfries, 1 September 1797.

²⁴⁹ NAS, RH2/4/80, ff. 248-51, R. Dundas to Duke of Portland, Edinburgh, 30 August 1797.

Map 1. Responses to the Militia Act in Scotland.



The Duke of Montrose was the first senior official to raise doubts about the propriety of carrying out the provisions of the Militia Act in the prevailing climate of fierce popular resistance, and to suggest that it would be better to postpone its execution. In a letter he sent to the Home Secretary on 23 August, Montrose

informed the Duke of Portland that he had told the clerk and deputies lieutenant at Stirling 'to adjourn the Meeting, for a month, that I might receive instructions how to act, & that force may be sent into this Country, if the act is to be carried into effect'.²⁵⁰ Two days later he wrote that the meeting at Stirling had in fact gone ahead according to plan, and without any disturbances occurring, but he still believed that, in the circumstances, the authorities ought to tread carefully when implementing the Act: 'I think some law proceedings must take place, for the purpose of punishing those violent acts', he argued, 'before the Militia can be carried into effect'.²⁵¹ It was in other words paramount to restore order before implementing the provisions of the Act. The Duke of Hamilton in Lanarkshire had come to the same conclusion. On the basis of the Strathaven riot in particular, but also because of the general sentiment of the people in his county, he concluded:

I am sorry to say, that I find the minds of almost every person, even those the least affected to Government, of the middle and Lower Ranks of the County (nay the generality of the Country) so perfectly repugnant and resolved to oppose the Execution of the Act, that I have judged it requisite for the quiet of the country, and the good of His Majesty's Service to direct that no further procedure be had on the Act in the County of Lanark until additional Instructions are given by Government.

Some of the schoolmasters in the area had been 'deterred from taking up the List by the threats of Violence against their persons and properties', and similar threats had been levied against a number of deputies lieutenant. Moreover, Hamilton had previously asked for a reinforcement of the military forces stationed in the county and, since this request had not been followed up, he now deemed it 'prudent' to suspend the execution of the Militia Act, as the military force available was 'not sufficient' to guarantee the safety of his officers.²⁵² David Staig, the Provost of Dumfries, and William Lockhart of Cleghorn, both made similar points.²⁵³

²⁵⁰ *Ibid.*, ff. 174-77.

²⁵¹ *Ibid.*, ff. 172-73.

²⁵² *Ibid.*, ff. 230-31, Duke of Hamilton and Brandon to the Duke of Portland, Hamilton House, 29 August 1797.

²⁵³ *Ibid.*, ff. 236-38, David Staig, Provost of Dumfries to the Lord Advocate, Dumfries, 29 August 1797; and *Ibid.*, f. 234, W. Lockhart to 'My Lord' [Lord Advocate?], Cleghorn, 29 August 1797. Staig argued that if a militia was to be successfully instituted in Scotland, 'a new act of parliament will be necessary; and that it would be very much more palatable [*sic*], were the age extended from 16. to

These local initiatives were, however, not met with much understanding at either the intermediate level of government in Edinburgh, or from the central authorities in London. Immediately upon returning from his trip to the north Highlands, on 27 August, Robert Dundas wrote to the Home Secretary, asking for his backing on two accounts. First, he requested 'that His Majesty's Ministers may lose no time in immediately sending to this Country such additional force as may be necessary for ensuring obedience to the Law' – thus forwarding the plea of many local officials – and second, he expressed his disapproval of the Duke of Montrose's suggestion of postponing the execution of the Act, asking for Portland's support in this as well. 'We are not at all agreed', he wrote with reference to Montrose, and continued:

To me the consequences of yielding to so daring and unreasonable a resistance to an Act, objectionable only on account of its moderation & limited nature, appear so destructive and alarming, that after full consideration, I cannot for one moment hesitate in offering my most decided Opinion that the Act must be enforced at all hazards.²⁵⁴

By the time Robert Dundas's letter arrived in London, however, the Duke of Portland had already reached the same conclusion, and in a reply to Montrose's earlier letters, Portland set out the central tenets of the government's policy in five main points.²⁵⁵ It was of primary importance to suppress the current disturbances and to continue with the implementation of the Act without delay, because:

There can be no doubt that if in this stage of the business, the execution of the law was to be suspended the protection of Scotland by means of the constitutional force provided by this Act would not only be given up for the present, but very little expectation could be entertained of its ever being established, under any circumstances, and what cannot but be looked to, with greater apprehension and horror, are the effects of such an example which would but too probably

45. or 50', while Lockhart, who had himself suffered the harassment of a crowd which broke into his house, put his case in rather more blunt terms in a letter written on 29 August: 'in the present disposition of this part of the country' he wrote, 'I believe no proceedings can take place without military aid'.

²⁵⁴ *Ibid.*, ff. 190-93, R. Dundas to the Duke of Portland, Edinburgh, 27 August 1797.

²⁵⁵ A comment Portland made at the very end of this letter reveals that he cannot have been informed of the Lord Advocate's opinion before writing to Montrose. He wrote: 'I will transmit a copy of this letter to the Lord Advocate, who I imagine will be by this time returned to Edinburgh'. *Ibid.*, ff. 212-14, Portland to Duke of Montrose, Whitehall 28 August 1797; and NAS, RH2/4/221, pp. 283-87 [same letter].

endanger the general system & submission and obedience to the laws, upon the maintenance of which the existence of our Constitution and National Power entirely depend.²⁵⁶

Suspending the implementation of the Militia Act was thus clearly not the answer.

In the opinion of both the local authorities in Scotland and the central government in London, resistance to the militia was believed to have originated solely with misrepresentations of the Militia Act. Those who opposed the introduction of a militia force in Scotland did so because evil-minded and designing men had been going about in the parishes misconstruing the true contents of the Act, as well as using this as an opportunity for sowing discontent and sedition in the minds of the unwary in a more general sense.²⁵⁷ Although the government was not justified in seeing misrepresentations as the *only* cause of the riots, there is some evidence to suggest that misinformation about the Militia Act was being spread.²⁵⁸ The colliers of Craighall and Cowpits, for example, opened their address in support of the militia by stating: 'it is evident, from the riotous and disorderly resistance ... to the execution of the Militia Act, that the most infamous misrepresentations have been used to mislead people, and to prejudice them against that measure'.²⁵⁹ Information collected by the government's own officials pointed in the same direction. The Duke of Roxburgh and his deputies lieutenant drew up an address at a meeting held shortly after the Eccles riot, in which it was suggested that the 'arts of designing men' might have been involved in stirring up opposition to the Act, and

²⁵⁶ NAS, RH2/4/80, ff. 212-14, Portland to Duke of Montrose, Whitehall, 28 August 1797 [quote: ff. 212-12v].

²⁵⁷ One reason why the government was apt to see wilful misrepresentations of the Militia Act as the primary cause of the disturbances may have been the role played by such rumours in the English riots over the Supplementary Militia the year before. There were confirmed cases from, for example Warwickshire, of people being told that they were due to be sent off to the East Indies. Western, Ph.D., p. 176.

²⁵⁸ For a discussion of the other causes of the riots, see: Logue, *Popular Disturbances*, pp. 102-15. The narrower age-band set for the Scottish force – 19 to 23 years, as opposed to 19 to 45 for the English militia – has often been seen as a main cause of the riots. In addition, however, it should be noted that the militia, as a compulsory military levy, was very unpopular in England as well, and that nearly every time a ballot had been drawn to raise new recruits since the new militia system was introduced in 1757, riots had ensued. See: Western, *English Militia*, pp. 290-91, 295, 297-99.

²⁵⁹ MEETING and RESOLUTIONS of the COLLIERS and OTHERS at the CRAIGHALL and COWPITS COALWORKS, *Caledonian Mercury*, 7 Sept. 1797.

that they had ‘reason to think endeavours have been used to misrepresent’.²⁶⁰ Similar views were presented by Major James Mayne in Stirling on 23 August,²⁶¹ and Lord Adam Gordon argued that, ‘our *Noblemen* and *gentlemen*’ as well as other ‘ill-disposed people’ had been endeavouring ‘to persuade the lower classes of men & women – that all, whose names are returned, as with the age & description, of Militia-men – are to be /as they chuse to term it / made Slaves’.²⁶² Gordon’s point was supported by the Duke of Montrose, who reported that protestors had declared ‘they will not be slaves, as they think the Act makes them, by forcing them out’, and that ‘the Temper of the People ... is irritated beyond measure, & I must humbly conceive be encouraged, if not led, by Men acting on system’.²⁶³ On the basis of this information from Roxburgh, Montrose and Adam Gordon, as well as his own assessment of ‘the Symptoms of Resistance appearing at Places considerably remote from each other’, Henry Dundas drew the conclusion that ‘there cannot be a doubt that it is the operation of Jacobin Emissaries employed for the Purpose’, which had caused the rioting.²⁶⁴

Since misrepresentations of the Act thus became the main explanatory factor in the opinion of the government, and it had to be expected that further attempts to ‘deceive the people’ would take place, Portland ‘earnestly’ recommended Montrose to:

give immediate directions to your Deputy Lieutenants to prepare and issue printed notices by way of caution to be stuck up on the doors of all the Parish Churches and in such other conspicuous situations as may be judged proper, in which such of the provisions of the Act as have been misrepresented or misunderstood, may be stated and fully explained.

²⁶⁰ NLS, MS 13366, Minto – Local affairs, f. 2, MEETING of the LORD LIEUTENANT and DEPUTY LIEUTENANTS of the County of ROXBURGH, held at Jedburgh the 21st of August, 1797. See also: *Caledonian Mercury*, 26 Aug. 1797.

²⁶¹ NAS, RH2/4/80, f. 166v, Major James Mayne to the Duke of Montrose, Stirling, 23 August 1797.

²⁶² *Ibid.*, ff. 156-57, Lord Adam Gordon to the Duke of Portland, Abbey Edinburgh, 23 August 1797 [original italics].

²⁶³ *Ibid.*, ff. 152, Duke of Montrose to ‘My Lord’ [Portland], Edinburgh, 23 August 1797. In another letter sent the same day, Montrose exclaimed that ‘the state of temper of the People is such as I never experienced’. *Ibid.*, ff. 174-77, Montrose to Portland, Edinburgh, 23 August 1797.

²⁶⁴ *Ibid.*, ff. 186-87, Henry Dundas to ‘My Dear Lord’ [Robert Dundas], Walmer Castle, 27 August 1797. See also: NAS, RH2/4/80, ff. 216-19, Revd Mr Lapslie, minister of Campsie to Lord Advocate, 28 August 1797; *Caledonian Mercury*, 28 Aug. 1797, or *Glasgow Courier*, 26 Aug. 1797 [same report]; and *The Times*, 29 Aug. 1797.

These notices should then be accompanied by ‘the most firm and positive declaration of your resolution to carry the Act into immediate effect, and to punish in the most exemplary manner all those who shall obstruct its execution’.²⁶⁵ Portland further encouraged Montrose to make good use of the volunteer corps he had at his disposal, ‘for Your Grace will recollect that that species of Force is most expressly applicable [for] this purpose’, and he stressed that all meetings should be:

attended by as respectable a number of the principal persons of the Neighbourhood as can possibly be prevailed upon to be present, in order that by their influence and authority the people may be brought to listen to the detection of the falsehoods which have been imposed upon them and may be made sensible of the fatal consequences of resisting the law of the Land.

Finally, in case ‘a Mob’ should arise, every effort ought be made to arrest the ringleaders.²⁶⁶

To some extent, the government’s response to the riots of 1797 therefore resembled its reaction to the earlier disturbances of the decade. The emphasis on restoring order – with the use of military force if necessary – on making sure that the authorities were not seen to hesitate in the face of popular resistance, and on seeking out and arresting the ringleaders who were presumed to be behind the rioting, all followed the lines set out during the first outbreak of rioting five years earlier. The firm instructions given to vacillating local officials also bore a striking similarity to Henry Dundas’s approach in 1792. Where the response of 1797 differed from that of earlier disturbances was in the closer cooperation between central and local authorities, and in the emphasis on using *both* carrot and stick to subdue the unrest. Although Portland’s response to Montrose might give the impression of a crisis where the central government took firm control of affairs after the local authorities had acted feebly, a closer investigation reveals that the only new aspect of the policy

²⁶⁵ This recommendation would also be sent ‘to the Lords Lieutenants of every other County where any symptoms of indisposition to this Act may appear or be suspected’. NAS, RH2/4/80, f. 213.

²⁶⁶ *Ibid.*, ff. 214-14v. The Duke of Hamilton received a largely similar letter a few days later, in which Portland expressed his concern ‘that any steps which appear to have a tendency to concession’ – such as postponing district meetings – ‘must encourage the deluded people to persist in their resistance to this Act’, NAS, RH2/4/221, pp. 300-3, Portland to the Duke of Hamilton, Bulstrode, Sunday 3 September 1797. See also the letter to the Duke of Queensberry. *Ibid.*, pp. 312-14.

he set out – the instruction to put up printed notices explaining the Act – originated with initiatives taken by local government officials in Scotland, and not with the central government.

It can be said with some confidence that the idea belonged to the Duke of Roxburgh and his deputies lieutenant. Their poster – which was the result of a meeting held at Jedburgh on 21 August for the purpose of discussing the recent disturbances in the county of Roxburgh – is the earliest dated notice that has survived, and the two undated notices both refer to later riots.²⁶⁷ The Roxburgh poster focused most of its attention on lamenting the poor spirit of those who had let themselves be duped by the ‘arts of designing’ men, on how Scots had previously seen it as a grievance that they had no militia and on how small a force it was the Scots had been asked to raise. Little space was given to any actual explanation of the provisions of the Militia Act, apart from its 55th clause, which was both cited and highlighted in the document. This was the section of the Act which determined that the Militia was not to be ordered out of Scotland on any occasion, and the decision to stress this aspect of the Militia Act indicates that the rioters in Roxburghshire must have been particularly concerned with the danger of being moved out of Scotland on military service. The other notices and posters that were produced were equally original in their set-up and wording. Montrose’s poster for Stirlingshire stressed many of the same points as Roxburgh’s, but dealt with them more at length and also dwelt at the good pay offered to militiamen.²⁶⁸ The Duke of Buccleuch took a more systematic and broad approach in his address, explaining the central provisions of the Militia Act in ten separate points, but then his reference was to ‘the riotous and disorderly resistance which has taken place in some of the neighbouring counties’, not to any specific misunderstandings of the Act in *his* county, which had remained quiet. Another original aspect of Buccleuch’s poster was his emphasis on making comparisons with England. His first point underlined that, whereas Scotland was due

²⁶⁷ NLS, MS 13366, f. 2; and *Caledonian Mercury*, 26 Aug. 1797. The undated notices were issued by the Duke of Buccleuch and by the Sheriff-Deputy of West Lothian, see: NAS, GD224/423/7, Duke of Buccleuch Papers, or *Caledonian Mercury*, 31 Aug. 1797, or NAS, RH2/4/81, f. 3; and *ibid.*, ff. 4-5, ‘TO THE INHABITANTS of *THE COUNTY OF WEST LOTHIAN*’.

²⁶⁸ NAS, RH2/4/80, f. 229, Militia poster signed: MONTROSE, and Buchanan, 29 August 1797 [The date of this poster indicates that Montrose must have written it *before* he received Portland’s instructions.].

to raise six thousand men only, 'England has at present nearly 50,000 militia actually embodied, and 60,000 supplementary or additional militia, who have been trained, and are ready to be called out at a moment's warning'. The intention here was probably to create a striking contrast of crude figures, but anyone wishing to calculate percentages would have found that the Scottish force made up no more than 5.5 per cent of the total English force (including the Supplementary Militia). Buccleuch also addressed issues connected with the narrow age-band, the 55th clause of the Act, and on this last point, he stressed that the Scottish Act gave the same opportunity of raising funds to provide substitutes through subscriptions, as was generally done in most English parishes. The Sheriff-Deputy of West Lothian was the most junior government officer to issue his own notice, but his was none the less one of the more influential. Adopting much the same broad outline as Buccleuch's address, the West Lothian poster stated its points more concisely and in simpler and clearer language. The third paragraph was the most original, and revealed what must have been the prevailing misunderstanding in the county. It read: 'It is NOT TRUE that every man is to serve, whose name is set down in the Parish-Lists. It is only a proportion of them that are to serve, and probably not more than ten of those who are set down, if so many'. It then went on to stress that only six thousand men were to be raised in Scotland, and after a total of seven points with direct reference to the Militia Act, the Sheriff-Deputy added the comment, 'England has at this moment NINETY THOUSAND Militia armed and fit for duty. Shall it be told that Scotland is unwilling to furnish even Six Thousand towards the common cause?'²⁶⁹ At least another two notices were issued. The one by Lord Douglas, the Lord Lieutenant for Forfarshire, followed much the same set-up as Buccleuch's,²⁷⁰ while that by the Duke of Hamilton was in the form of a letter to the people of his county.²⁷¹

It has sometimes been claimed that the government reacted only slowly and hesitantly to the problem of misrepresentations, and that its response came too late to have any notable effect. Kenneth Logue has argued that, 'very little was done to

²⁶⁹ NAS, RH2/4/81, ff. 4-4v.

²⁷⁰ *EXPLANATION* of the MILITIA ACT FOR SCOTLAND, by DOUGLAS, Lieutenant, County of Forfar, BOTHWEL CASTLE, August 1797. *Caledonian Mercury*, 4 Sept. 1797.

²⁷¹ NAS, RH2/4/81. f. 77, 'MILITIA ACT. By his Grace the DUKE of HAMILTON & BRANDON, Lord Lieutenant and High Sheriff of the County of Lanark', Hamilton House, 4 September 1797.

counter such rumours; nothing was done by the authorities to explain the Act to people until the beginning of September, by which time most of the disturbances were over'.²⁷² This statement needs to be qualified. There was certainly little hesitation on the part of the major government figures in Edinburgh as far as the requesting of military reinforcements in Scotland was concerned,²⁷³ and the meeting held by the Duke of Roxburgh and his deputies on 21 August demonstrated an ability to take constructive action very quickly indeed.²⁷⁴ Furthermore, the central government also responded rapidly. By 26 August Portland had already been informed about the first riots by the Duke of Roxburgh, and on that day he wrote a reply, expressing his approval of the initiative to post up notices, as well as setting out the gist of those points he would outline to Montrose two days later.²⁷⁵ Henry Dundas expressed his dismay over the 'silence' in all the letters he was receiving over 'what Steps have been taken to explain to the Populace the gross illusion under which they labour', and he urged all lords lieutenant to issue proclamations explaining the Act,²⁷⁶ while Robert Dundas found the address issued by the Sheriff-Deputy of West Lothian particularly useful, and sent copies of it to all the sheriffs in the Highlands.²⁷⁷ Moreover, the government's agents could not immediately *know* that the riots would become so widespread and violent, and that suppressing them would require such a forceful and concerted effort on their behalf. In the circumstances, the authorities must therefore be said to have responded as quickly as eighteenth-century communications allowed them to do.

v) The raising of the Scottish Militia

Once the rioting had subsided and the last lists of eligible men had finally been drawn up and sent down to London, the next stage in the procedure was for the King's Order in Council to determine the exact quotas of men due to be raised by

²⁷² Logue, *Popular Disturbances*, p. 114.

²⁷³ Lord Adam Gordon requested military reinforcements for the first time on 23 August. NAS, RH2/4/80, ff. 156-57.

²⁷⁴ This was the same day as the riot took place at Selkirk and the day before the riot in Jedburgh where the meeting was held.

²⁷⁵ NAS, RH2/4/221, pp. 276-78, Portland to the Duke of Roxburgh, Whitehall, 26 August 1797.

²⁷⁶ NAS, RH2/4/80, ff. 186-87, Henry Dundas to 'My Dear Lord', Walmer Castle, 27 August 1797.

²⁷⁷ Western, 'Scottish Militia', *SHR*, 34 (1955), 11 [Robert Dundas did this in the beginning of September.].

‘the several County, Stewartries, Cities and Places’ in Scotland.²⁷⁸ This list of quotas was finalised by the Privy Council in January 1798 and provided for a reduced number of 5,485 militiamen to be raised from a total of 23,059 eligible men – or 23.8 per cent of the total.²⁷⁹ Precisely why the central government had decided to raise a smaller force than that which had been cited in the Militia Act does not transpire from the Order in Council, but a clear indication is given by a separate and undated document. Entitled: ‘Scotch Militia’, the document contains two separate schemes for the Militia force, one for twelve battalions totalling 6000 men, and the other for ten battalions amounting to 5485 men. In the second scheme – which appears to be the one adopted by the government – the quotas for the ‘Counties of Dumfries, Clackmannan and Orkney’, as well as ‘the Islands belonging to Inverness shire’ had been removed, since they had provided ‘no Returns’.²⁸⁰ The key government men in Edinburgh, however, thought that even this reduced number of men was too large to be implemented, at least to begin with. A letter written by Robert Dundas on 6 January 1798 concerning the organisation of the various regiments of the militia indicated that only a smaller force should be raised at the outset: ‘The D. of Buccleuch & Montrose, who are just now here’, he wrote, ‘authorize me to state that in full consideration we all approve of the number being 3000, and being divided into ten Battallions, as suggested by Major Dundas’.²⁸¹ A later letter by Alexander Dirom, however, provides more detail on the precise problems the Scottish authorities were confronting in the wake of the militia riots, and it therefore needs to be quoted at length:

Considering the numbers returned from the Counties, in all 24,663, it appears to me of the greatest consequence to the Peace of the Country that not more than 3000 should be balloted for, as a vast many of the young men, included in the Lists, will not be forthcoming at the Ballot. – Many from the Southern counties have gone into England, & a great many have every where entered into the Fencible Corps, the Army & the Navy, where they get a understandable Bounty, in order to avoid being compelled to serve in the Militia, where they would get no

²⁷⁸ NAS, RH2/4/83, f. 55, ‘At the Court at St James’s the January 1798. Present The King’s Most Excellent Majesty in Council’.

²⁷⁹ *Ibid.*, f. 57, included in Appendix: C.

²⁸⁰ Including the ‘supposed’ numbers of eligible men from these three counties, the total would have been 24,659. NAS, RH2/4/83, f. 20, ‘Scotch Militia’.

²⁸¹ *Ibid.*, ff. 8-13, R. Dundas to Henry Dundas, Dalkeith House, 6 January 1798.

Bounty. – In short, it seems probably that there will not be above 18,000 to ballot from, which, were it 3000, will be taking every *sixth* man; whereas in England it does not, I believe, come in general to above one in forty or fifty in the List.

This unequal state of affairs, Dirom held, was ‘in some measure, evident from the difference in the rate of Insurance for funding Substitutes, which, in England seldom exceeds half a guinea, & here cannot be done for less than *three* Guineas’.²⁸² Armed with this information from Dirom, and having made a few calculations of his own, Robert Dundas wrote to the Home Secretary:

The numbers of men returned amounting only to about one half of what was originally supposed, it occurred to several persons here that to call out the whole 6000 at once, which would be a levy of one man out of four might be felt severely by the Country, and perhaps produce fresh disturbances.

Instead, Robert Dundas proposed, that only half the force ought to be raised at the moment, leaving the other half to be ‘embodied at some subsequent period if the continuance of the war should render it necessary’.²⁸³ This proposal was accepted in London, and the Scottish Militia regiments were consequently only brought up to half strength in their first year.²⁸⁴

The next, and obvious, question to ask about the Scottish Militia project, is how the actual enlistment of the force proceeded, and in order to provide a complete and exhaustive answer to this, it would have been necessary to investigate the papers for all the militia regiments which were raised. Unfortunately such papers do not seem to have survived for most or nearly all of these regiments, but a laudable exception exists in the richness of the Duke of Buccleuch archive, which holds the full records of the 10th or Edinburgh Regiment of North British Militia, and we shall focus on this as a case study.²⁸⁵

²⁸² *Ibid.*, ff. 85-87, Alex Dirom to the Lord Advocate, Edinburgh, 4 February 1797 [original italics].

²⁸³ *Ibid.*, ff. 75-9, R. Dundas to the Duke of Portland, Edinburgh, 7 February 1798.

²⁸⁴ This statement is based on evidence from the 10th or Edinburgh regiment commanded by the Duke of Buccleuch, see: NAS, GD224/429, ENROLLMENT BOOK 10TH REGT. N. B. MILITIA. 1798-1802.

²⁸⁵ NAS, GD224/423, 426, 429, 433-39, Duke of Buccleuch papers.

vi) The case of the Edinburgh Militia.

According to the Order in Council, the quota for the 10th Regiment was set at 650 men, which was apportioned to, and due to be raised by the city and county of Edinburgh, and the shires of Linlithgow, Haddington and Berwick.²⁸⁶ A total of 685 private men were enlisted over the period 1798 to 1802,²⁸⁷ of which the additional thirty-five were replacements for those who had either deserted, died or been discharged at some point over the period. Fortunately for this inquiry, the Enrolment Book for the Edinburgh Militia provides important information on every single recruit enlisted over the four-year period that the Regiment was in existence, and this has made it possible to calculate statistics on several central aspects of the Scottish Militia – such as how quickly it was brought up to strength, the proportion of principals to substitutes serving with the force, and the relative sizes of the different age groups.²⁸⁸ Addressing these issues in that order, it emerges that 354 or 54.5 per cent of the total 650 men due to be raised were enlisted in the first year, indicating that the raising of the force went according to plan, while another 266 or 41 per cent were embodied in 1799.²⁸⁹ This brought the force up to 620 men or 95.4 per cent of the total within only two years, and the enlistments for the following three years therefore consisted mainly of replacements.²⁹⁰ As far as the bare numbers of enlisted recruits are concerned, the impression is thus one of a regiment raised with little difficulty or opposition, but the figures for principals versus substitutes point in a rather different direction. No fewer than 494 or 72.1 per cent of the total 685 men were listed as substitutes, while merely 179 or 26.1 per cent were noted down as principals (11 recruits bore no indication of being either one or the other). If the force was raised according to plan, and seemingly without any major problems, then this high rate of substitutes may provide some of the explanation; many of those who did not wish to serve had clearly been able to use the escape-route provided by the

²⁸⁶ NAS, GD224/429/1, Index, and General Abstract of the Men to be furnished by the several Counties &c, to the 10th or Edinburgh Regiment of North British Militia.

²⁸⁷ The Regiment was disbanded by Royal Warrant in April 1802, along with the other Scottish Militia units, see: GD224/423/11, Copy Warrant for disbanding the Militia of the City of Edinburgh, Court of St. James's, 17 April 1802.

²⁸⁸ The Enrolment Book is included in: Appendix: F.

²⁸⁹ If calculated against the total figure of 685, the percentages would naturally be lower – 51.7 and 38.8 per cent respectively.

²⁹⁰ 46 men were enlisted in 1800, 14 in 1801 and 5 in 1802.

system of providing a substitute.²⁹¹ Since the Militia Act stated that substitutes could be of *any age*, the issue of age groups should be seen in the light of the high number of substitutes.²⁹² The relative distribution of recruits on the different ages represented in the Edinburgh Regiment are presented in Table 1., and the most striking aspect of this information is perhaps the large number of 17 and 18 year-olds who had been enlisted, making up no less than 18.2 per cent of the total number of recruits in the regiment. Although the high proportion of substitutes meant that the original age-band of nineteen to twenty-three was of limited importance and relevance for the raising of the regiment, the figures in Table 1 demonstrate that the bulk of recruits were none the less in the intended age range. Some 385 or 56.2 per cent of those enlisted were within the original age-bracket, and if the new age-band of nineteen to thirty – as introduced by Parliament in 1799 – is applied, then the figures are 491 and 71.7 per cent.²⁹³

Table 1. Age groups in the Edinburgh Militia.

Age:	No.:	Age:	No.:	Age:	No.:
12	1	24	27	35	1
15	9	25	15	37	3
16	24	26	18	38	1
17	56	27	14	39	2
18	69	28	17	40	3
19	81	29	5	42	2
20	105	30	10	43	1
21	92	31	3	44	2
22	69	32	4	45	2
23	39	34	5	46	2

The Enrolment Book also included the professions, or ‘trade’, of those who were enlisted, and these can be seen in Table 2. On the basis of the figures contained in this table, it emerges that the group denominated as ‘Labourers’ made up by far the largest single profession at 33.6 per cent of the total, followed by ‘Weavers’ at 16.9 per cent and ‘Shoemakers’ at 10.1 per cent. ‘Tailors’ were also well above average

²⁹¹ The high proportion of substitutes in the Edinburgh regiment appears to have been in accordance with the general British picture. As J. E. Cookson has argued, the system of raising funds to provide substitutes was so efficient that ‘personal service became a rarity’. Cookson, *Armed Nation*, p. 103.

²⁹² See: 37 Geo. III, c. 103, ‘An Act to embody a Militia Force in that Part of the Kingdom of *Great Britain* called *Scotland* – [19 July 1797], paragraph XX.

²⁹³ See, 39 Geo. III, c. 62, ‘An Act to amend an Act made in the thirty-seventh Year of the Reign of His present Majesty, and two Act made in the last Session of Parliament, for raising a Militia Force in that Part of the Kingdom of *Great Britain* called *Scotland*. – [21st June 1799]’.

at 6.4 per cent, followed by ‘Joiners’ at 3.8 per cent, ‘Masons’ at 2.3 per cent, ‘Gardeners’ at 2.2 per cent and as the last group which ran into double figures were Blacksmiths at 1.4 per cent. Overall, it is therefore clear that those who served with the Edinburgh Militia were either labourers, craftsmen or artisans by profession, and that not a single person of middle or upper class background was ever enlisted in the force.²⁹⁴ It was in other words precisely those ordinary people, who were most likely to dislike militia service, that ended up serving and this immediately poses the question of how loyal and reliable the established force turned out to be.

Table 2. Professions in the Edinburgh Militia.

<i>Trade (profession):</i>	<i>No.:</i>	<i>Trade:</i>	<i>No.:</i>	<i>Trade:</i>	<i>No.:</i>
Baker	8	Gardener	15	Rosselmaker [?]	1
Basket Weaver	1	Gentleman's Servant	2	Sadler	1
Bilmaker	1	Glazier	1	Saltmaker	1
Blacksmith	10	Groom	2	Servant	5
Bookbinder	3	Hairdresser	7	Shoemaker	69
Breechesmaker	1	Hairdresser & Painter	1	Silverplater	1
Brewers Clerk	1	Heelmaker	1	Slater	3
Brickmaker	1	Joiner	26	Smith	4
Butcher	3	Juriwright	1	Soapboiler	1
Butcher Ropemaker	1	Labourer	230	Spackman	1
Butterm [?]	1	Landlesser	1	Stewart	1
Cabinetmaker	1	Living Servant	6	Stockingmaker	5
Candlemaker	2	Locksmith	1	Stocking Weaver	6
Carpenter	1	Mason	16	Tanner	3
Cartw [?]	1	Merchant's Clerk	2	Taylor	44
Carver / Carver Gilder	2	Miller	3	Tinsmith	2
Coachmaker	1	Millwright	2	Tobacconist	1
Coalhewer	1	Musician	3	Trader	1
Coallier / Collier	2	Nailer	7	Weaver	116
Coalminer	4	Painter	5	Whoem [?]	1
Cooper	1	Papermaker	2	Woolcomber	1
Copperplate Printer	1	Plasterer	2	Woolspinner	1
Cratemaker	1	Ploughman	2	Wright	1
Draper	2	Postilion	1	Writer	2
Farmer	2	Potter	2	Writers Clerk	1
Flaxdresser	3	Printer	2	No profession given	9
Founder	1	Ropemaker	1		

Part of the answer can be found in the number of men that needed to be replaced. Some 35 out of 650 makes up only 5.4 per cent, which can hardly be said

²⁹⁴ Although they could avoid service more easily than the poor, J. E. Cookson has argued that the wealthy came to resent militia levies, because it was *they* who had to make ‘the largest contributions to parochial subscription, and might also have to buy their servants and dependants out of service. To them the militia was a “tax”, second only to the property tax as an onerous burden of war’. Cookson, *Armed Nation*, p. 103.

to have been a large proportion – by any standards – for a regiment embodied over four years, and certainly not for an eighteenth-century force that was unpopular from the outset. Furthermore, of those men who had to be replaced a mere five had deserted, and ten had died, which left eighteen under the category of discharged (two were unaccounted for). The reasons behind the decisions to discharge these men were not stated, but is most likely to have been that they were unfit for service, and in any case, 18 out of 650 was undoubtedly low by eighteenth-century standards. The Buccleuch papers, however, also include a list of all the courts-martial held during the period the regiment was embodied, and this list reveals that the majority of offences were either related to drunkenness, or concerned ‘disorderly behaviour’. Far fewer cases gave any clear indications of disloyalty to the force.²⁹⁵ Moreover, the total number of cases tried was not higher than 57 – of which 11 were against NCOs – leaving only 46 incidents of privates committing offences, sufficiently severe to justify a court-martial. Of the total number of men enlisted in the force, this was merely 6.7 per cent. The Edinburgh Militia thus bore all the hallmarks of a well-disciplined and loyal regiment,²⁹⁶ and if it was representative of the Scottish force as a whole, then the political decision to raise a Scottish Militia must be seen as having ultimately been crowned with success as well.²⁹⁷

While the recruitment of men for armed service was thus largely a great success in Scotland in the 1790s, the Scottish contribution to the other crucial element in the war effort of the British state – the *financing* of both British and allied military operations – was not equally impressive. The next chapter addresses the issue of the relative contribution Scotland made to the revenues of the British state within this period.

²⁹⁵ NAS, GD224/437/2, ‘10. OR. EDINBURGH REGIMENT. OF. NORTH. BRITISH. MILITIA. Courts-martial’, included in: Appendix: G.

²⁹⁶ Further evidence of this can be found in a letter enclosed with the Royal Warrant disbanding the regiment in 1802, in which the King’s satisfaction with the ‘Zeal and Loyalty’ manifested by the officers, NCOs and private men of the Regiment was underlined. GD224/423/11, Hobart to Buccleuch, Downing Street, 17 April 1802. Two days later, the War Office issued a circular letter on behalf of the King, stressing ‘the very great Satisfaction he has received from the exemplary and meritorious Services of the said Regiment’. GD224/436, Vol. 1., pp. 37-9, *Circular*, signed C. Yorke, War Office, 19 April 1802.

²⁹⁷ Those who had been drawn in the first ballot for the Edinburgh Militia were ordered to report for service in a newspaper advertisement in late December 1798, and the same was the case for the Stirling County Militia. See: *Caledonian Mercury*, 20, 27 Dec. 1798.

Chapter 5

Financial Contributions

The preceding chapter focused on the different policies the government employed for the purpose of augmenting the armed forces, both the regular army and navy, and the forces for home defence. Wars, however, also needed to be financed, and the financial arrangements whereby the war-effort was sustained, had been as important, for the long string of British successes in all the previous wars of the eighteenth century, as the military efforts of the British state. The British financial system, as it was developed over the course of the eighteenth century, rested on the two main pillars of state borrowing and taxation, where newly issued taxes were earmarked to pay off the debt accumulated through borrowing.¹ The main focus of this chapter is therefore on the relative Scottish contribution to these two, but in addition we will also look at Scottish attitudes to taxation in the 1790s.

I

State Borrowing

The government's raising of loans in wartime is not an issue which lends itself very easily to a comparative study. Borrowing was conducted by the central authorities, who focussed on raising the necessary funds wherever they could be found and at the best terms available. The City of London, as the unrivalled commercial centre of Britain, could be expected to dominate in any set of statistics produced on where, and from whom, the state obtained its funding, not merely in relation to Scotland, but also to the rest of England. Moreover, it is not immediately obvious how the Scottish 'share' of government borrowing could be measured. This issue has, however, been addressed by Alan Gunning in his thesis on war-related finances in Scotland, and Gunning suggested that, since new loans raised by the government were added to the already existing national debt, a possible starting point and approach for an attempt

¹ On the British financial system, and its development over the course of the eighteenth century, see: John Brewer, *The Sinews of Power: War Money and the English State 1688-1783* (London, 1989); and Peter Mathias and Patrick O'Brien, 'Taxation in Britain and France, 1715-1810: A Comparison of the Social and Economic Incidence of Taxes Collected for the Central Governments', *Journal of European Economic History*, 5 (1976), 633-40.

at measuring the Scottish involvement in government borrowing would be to try to estimate the share of this debt held by Scots.²

Unfortunately, there is relatively little evidence that provides the geographical break-down of shares in the national debt, necessary for this kind of comparison, but Gunning has suggested that a reasonably good indication can be achieved by using property tax figures. This is because it is possible to single out dividend and annuity payments made by the exchequer – that is, to calculate all income derived from government stock – from the general assessments to the property tax. Or posed differently: all the money paid out by the Treasury to people holding shares in the national debt. Figures for this are only available for two separate years after 1800, and therefore represent a very restricted source of information, but what they demonstrate is that the Scottish proportion was 2.6 per cent in 1803 and 3.1 per cent in 1805.³ This evidence is too limited chronologically to provide more than an indication of the Scottish share over time and, in any case, does not necessarily reveal much about the situation in the previous decade, but another, and more comprehensive set of statistics can be calculated by narrowing the scope and using Bank of England records. By looking at that section under the national debt referred to as ‘3% consols’ – and this was a substantial part of the debt – Gunning calculated that the Scottish proportion increased from a mere 0.34 per cent as an average for the period 1776 – 1782, to 1.72 per cent on average for 1812 – 1818.⁴ Both in the case of assessments to the property tax, and 3% consols, the Scottish share thus appears to have been relatively small, and well below Scotland’s proportion of the total British population of about 15 per cent.⁵

Part of the reason for this modest involvement in government borrowing by individual Scots may have been that there was less surplus wealth available to be invested in government stock in Scotland, than there was in England – even when measured per capita – but it is also possible that many Scots found it more tempting to place their funds in one of the thriving Scottish banks, than in the national debt.

² Alan Gunning, ‘War, the Central Government and the Scottish Economy 1750-1830’, unpublished Ph.D. thesis (University of Strathclyde, 1984), pp. 224-25.

³ *Ibid.*, p. 228

⁴ *Ibid.*, p. 230.

⁵ We will refer to this percentage as the ‘population indicator’ below.

One study from the mid-nineteenth century certainly concluded that ‘the surplus wealth of England has been invested in the national debt – and that of Scotland in their Banks’.⁶ If this assessment was correct for the late eighteenth century as well, then, there is scope to argue that many Scots in fact made significant *indirect* investments in the national debt, since the Scottish banking sector viewed government stock as an increasingly interesting object of investment over the course of the 1790s. The Royal Bank of Scotland, for example, increased its holdings of government stock substantially in this period. Calculated as a proportion of the bank’s total assets, the share made up by ‘government obligations’ had risen from 5.4 per cent in September 1794 to no less than 22.4 per cent in August 1802.⁷ Although the government obligations held by this bank – together with similar investments made by other Scottish banks – may not have represented a very significant part of the total number of such obligations issued in London, they undoubtedly represented a very substantial part of the bank’s own assets by 1802. Moreover, when the bank also decided to increase its holdings of government stock over the period, investments in the national debt must have seemed an appealing option also to Scots bankers.

Thus, while the direct investment in the national debt conducted by individual Scots in all likelihood was relatively small, their indirect investment in the debt – through first depositing their funds with the Scottish banks – may have been more significant. Considered in a nationwide context, however, what evidence there is indicates that Scotland contributed proportionately less to government borrowing requirements, than did England in general, and London in particular. Taxation, however – as the true backbone of the British financial system – is a topic far better suited to a comparative study.

⁶ William John Lawson, *History of Banking in Scotland, embracing a brief view of the revenues of Scotland, with a copy of the act of the Scottish parliament establishing the Bank of Scotland* (London, 1845), p. 38, cited in: Gunning, ‘War’, p. 227.

⁷ *Ibid.*, p. 235.

II Taxation

Most contemporaries who commented on taxation focussed on the issue of ‘fairness’, and were interested in whether the Scots paid their ‘fair’ share of the tax-revenue collected from the whole of Great Britain. By ‘fair’ in this context, what they normally meant was *proportionate*, and this is a crucial concept for any comparative study. Scotland ought to carry a part of the total tax-burden levied on Britain, they argued, which corresponded directly to the size of her population, in such a manner that the Scots – on average – paid the same amount in taxes as the other inhabitants of Britain. The comparison which attracted the greatest interest was between Scotland and England as two entities, and a ‘fair’ distribution of taxes was thus held to be one where the Scots and the English paid an equal amount in taxes, when measured *per capita*. Less attention was given to the internal tax distribution of the two main constituting parts of Great Britain, or to the relative amount of taxable wealth that could be found there. The prevailing view was that Scotland did not pay a proportionate amount of taxes, and that the Scots were therefore carrying less than their fair share of the tax burden.⁸ Was this true? In the following section we will investigate this claim in relation to the *absolute* Scottish tax contribution, but also attempt to establish whether the Scots were paying a proportionate share of taxes, when measured against the *relative* taxable wealth of Scotland.

Although the evidence on tax returns in the late eighteenth century is far from extensive, those tax records which have survived present a few alternatives for measuring the Scottish tax contribution. Alan Gunning suggested that three different statistics on Scottish tax revenue were of relevance in this context. They were: ‘gross tax revenue’, ‘net tax revenue’ and ‘London remittances’, all of which require a brief definition.⁹ Figures for Scottish gross tax revenue would refer to the total amount of taxes collected in Scotland within a given time period, normally a year. This sum represented all the money which government tax collectors had received from the various tax payers throughout the country, and is therefore a natural starting point for

⁸ For a further discussion of the debate on fairness, see: *ibid.*, pp. 159-61.

⁹ *Ibid.*, p. 158.

any calculations on tax revenue. Indeed, by presenting the total amount of taxes paid by the Scots, the gross tax revenue figure also demonstrates the overall tax *burden*. By subtracting from gross tax revenue the expenses involved in collecting the taxes, we arrive at the figure known as net tax revenue. Certainly, the officers employed to do the actual job of collecting the money – such as excisemen and customs officials – needed to be paid, as did the rest of the bureaucracy involved, and it is only after these costs have been subtracted from the figure for gross tax revenue, that we arrive at the sum of money which stood at the government's disposal for its expenditure. Immediately, these two figures may appear sufficient to determine the tax revenue raised in Scotland, but for the purposes of a comparison with Britain as a whole, a third figure needs to be calculated. The reason for this is that not all of the net tax revenue was submitted to London. Some of it was spent directly on government expenditure in Scotland, and if this amount is subtracted from the net figure, we end up with the sum that was eventually sent down to the Treasury in London, and thus constituted the Scottish tax *contribution*. Gunning defined this as 'London remittances'.¹⁰

For the period 1793-1815, Gunning calculated that Scottish tax remittances to London made up about 4.2 per cent of total British tax revenues, a figure which was clearly well below the population indicator of 15 per cent, and probably also by a sufficiently large margin to compensate for any distortions there may have been in the statistics on tax returns.¹¹ The Scots thus appear to have carried markedly less than their proportionate share of the British tax burden, at least when measured in absolute terms. The tax records, however, also reveal that the Scottish proportion of British tax revenue had been increasing steadily since the 1750s, when it was no more than 0.7 per cent, a significantly lower share.¹² Furthermore, the most pronounced increase had taken place after the outbreak of war in 1793, when the tax burden was rising in the whole of Britain. This meant that – although the Scottish

¹⁰ *Ibid.* In addition to being the arguably best representation of the Scottish tax contribution, applying London remittances for the calculation, also make it possible to avoid the problems connected with contemporary criticism, which tended to state that no matter how large Scottish revenue looked on paper – i.e. gross tax revenue – it 'contributed little to general British finances'. *Ibid.*

¹¹ *Ibid.*, p. 161. Table on: 'Scottish Tax Remittances to London as a proportion of "British" Tax Revenue 1750-1830'.

¹² *Ibid.*

contribution to British tax revenue was clearly below the population indicator throughout the period under investigation here – Scottish tax returns were not only going up in absolute terms, they were also increasing at a faster rate than in England. A slightly different set of statistics, more directly related to war expenditure, seems to reinforce this point. In his table on ‘Scottish Payments into the British Exchequer as a proportion of British Exchequer Payments 1797-1810’, Alan Gunning calculated that the Scottish proportion of the British total increased from 4.8 per cent in 1797 to 6.3 per cent 1802.¹³ Again, the impression is one of a modest, yet increasing Scottish contribution.

It was mentioned above, however, that absolute figures such as those presented here, take no account of, nor do they compensate for, the relative amounts of taxable wealth in the different parts of Britain. Since it can be demonstrated with a great degree of certainty that Scotland was a poorer country than England in the late eighteenth century – also when measured in relative terms – it would appear that both total wealth creation and per capita income was lower in Scotland than it was in England. There was less taxable wealth north of the border, or, posed differently, Scotland had a lower taxable capacity than England. Seen in this light, the relatively small contribution Scotland made in absolute terms is unlikely to have been equally modest when measured against the taxable wealth of the country, and it may well have been the case that, paradoxically, the Scots paid less in taxes than the English, but – relative to their lower income – still contributed more than their proportionate, or ‘fair’ share. To be certain about this we would first need to compare average income in Scotland with the actual taxes the Scots paid, so as to establish how large a proportion of their income they paid in taxes, and then a similar exercise would have to be conducted for England, before any conclusions could be drawn. In the absence of any national income estimates or records from the 1790s, it is difficult to see how an entirely convincing calculation of this sort could be achieved, but Alan Gunning has none the less suggested that assessments to the property tax may give some indication.¹⁴ The implication here is that the government’s assessments to the property tax – i.e. which social and occupational groups should pay, and at which

¹³ *Ibid.*, p. 163.

¹⁴ Gunning, ‘War’, p.168

rate – presents the best available data for determining Scotland's taxable wealth and therefore the Scot's ability to pay.¹⁵ Unfortunately, the records on assessments to property tax are restricted to the 1800s, which makes it difficult to make any conclusive comments about the situation in the 1790s, but for want of more reliable information we will use this material from a later period, although with some caution. The calculations Gunning conducted demonstrated that between 1803-1810, the Scottish share of the gross assessments to property tax for the whole of Britain, ranged from 7.0 per cent to 9.4 per cent, exhibiting a more or less consistent increase over this period.¹⁶ If these figures can be taken to have some validity for the preceding decade, then two broad and tentative conclusions may be attempted. First, they seem to underline that Scotland was a poorer country than England, also when measured per capita, and second that Scotland was probably not taxed according to her taxable capacity, although the discrepancy is not as marked as the comparison between the Scottish proportion of tax returns and the population indicator would suggest. Indeed, the margin between the figures for the Scottish tax contribution, and the earliest figure for assessments to property tax – 4.2 to 6.3 per cent and 7.0 per cent respectively – is sufficiently slim to demand every degree of caution when drawing conclusions.¹⁷ An alternative set of statistics on tax returns has, however, survived in a source which Gunning did not consult, and relate to two of the most important taxes in our period, those of Customs and Excise duties. The evidence in question consists of two tables on the Customs and Excise revenues collected in the period 1791 till 1797, one listing the returns from England, and the other the equivalent for Scotland.¹⁸

¹⁵ Since the prevailing political orthodoxy was one of at least attempting to distribute the tax burden according to the relative wealth of the taxpayers – i.e. taxation according to ability – efforts were made to establish the taxable income of those who were liable to pay property tax. See below, pp. 218-19.

¹⁶ Gunning, 'War', p. 169.

¹⁷ See: *ibid.*, p. 247.

¹⁸ The tables in question were included as an appendix to a report produced by the State Paper Office in 1798. See: John Bruce, 'REPORT, On the Events and Circumstances which produced the Union of the Kingdoms of England and Scotland'. Unpublished (State Paper Office, 1798). National Library of Scotland [NLS], A.112.c 1-2, [The volume held by NLS was given to the Dean of the Faculty of Advocates in Edinburgh, by the Duke of Portland in February 1799.] A copy of the original tables is included in: Appendix: H.

Since the figures that were compiled under the heading of ‘England’ must be assumed to also include Welsh Customs and Excise revenues, adding the Scottish figures to these gives us with a table representing the total Customs and Excise revenues for Great Britain in this period. This information is presented in Table 1, while Table 2 demonstrates the result of calculating the proportion Scottish revenues made up of total British revenues – here presented in percentage terms.¹⁹

Table 1. British Customs and Excise revenues, 1791-97.²⁰

Great Britain				
	Customs		Excise	
	Gross Receipt	Net Produce	Gross Receipt	Net Produce
	£	£	£	£
1791	6,045,818	4,076,037	9,808,908	8,197,122
1792	6,045,818	4,076,277	10,113,867	8,489,362
1793	5,573,706	3,990,522	9,412,486	7,989,122
1794	5,841,840	3,563,368	9,963,892	8,490,018
1795	6,775,995	3,569,836	10,866,170	9,372,900
1796	6,382,002	3,652,695	10,960,425	9,139,592
1797		4,022,907	11,921,443	10,133,792

Table 2. The Scottish Percentage of the British Total.²¹

Scotland				
	Customs		Excise	
	Gross Receipt	Net Produce	Gross Receipt	Net Produce
	%	%	%	%
1791	4.8	3.4	5.1	4.6
1792	4.9	2.8	5.3	5.4
1793	4.4	2.5	5.0	4.5
1794	3.7	1.8	5.3	4.9
1795	3.0	2.0	5.0	4.5
1796	4.1	2.6	5.1	4.6
1797		3.0	7.1	6.9

Essentially, these figures cannot be said to challenge the conclusions Gunning reached with respect to the overall Scottish tax contribution, although the Scottish Excise office must be said to have produced a perhaps even steadier stream of income for the Treasury, than might have been expected. Gross produce only just fell

¹⁹ As will appear from the Appendix: H, shillings and pence were only included in the Scottish figures, and not in those for England. In order to simplify the procedure, these figures for shillings and pence have been omitted in all calculations made here, since they must be presumed to make little or no difference to the final result of those calculations.

²⁰ As there is one digit missing in the figure for the English Customs Gross Receipt for 1797, this part of the table has been omitted in the calculations. See: Appendix: H.

²¹ Percentage figures have been rounded to nearest 1/10 per cent.

below five per cent for one year in this period, and was even higher than seven per cent in 1797. Gunning's conclusion that the Scottish tax contribution at best had reached a level of about six per cent of the British total by 1800 thus seems to be confirmed by these figures, but the Excise revenues had clearly come close to this level already by the early 1790s. Overall, the table does not exhibit any particular signs of growth or decline over time, indicating that the Scottish revenue – as far as these two taxes were concerned – remained stable throughout the period. The table also indicates that the Scottish Customs revenues made up a considerably smaller proportion of the British total, than did the corresponding revenues produced by Excise duties.

The figures contained in Table 2 are, however, not the only valuable insight about the relative Scottish tax contribution that can be gained from John Bruce's statistics on Customs and Excise revenues. Since the tables provided figures for both Gross Receipts and Net Produce, it is possible to calculate, and compare, the relative 'efficiency' of the English and Scottish Customs and Excise Offices.²² By subtracting Net Produce from Gross Receipt we arrive at a figure representing the amount of collected tax revenues, which was not submitted to the Treasury in London, and which for that reason can be seen as a 'loss' to the government. By further calculating the proportion this figure made up of Gross Receipts, we obtain a figure for what may be phrased the 'percentage loss' to the government. The results of making such a calculation for every year in the period covered by Bruce's tables are presented in Table 3.

²² *Gross Receipt* is here understood to mean the total amount of tax revenues collected, whereas *Net Produce* is defined as that part of Gross Produce which was eventually submitted to the Treasury. The difference between the two would indicate how much was spent on the actual collecting, and administering the collection of, taxes, as well as any funds which were embezzled or appropriated in any way by people involved in the tax-collecting process. In a way, this part of the collected tax revenues can be seen as a 'loss' to the government, and the size of this loss would be an indication of how efficient the collection of a specific tax was. (It should be borne in mind here, however, that some taxes could be more expensive than others to collect, so that even if the collection process was extremely efficient, the expenses involved in collecting a given tax might still be considerable.)

Table 3. Proportion of revenues, which was not submitted to the Treasury.²³

	England		Scotland	
	Customs	Excise	Customs	Excise
	%	%	%	%
1791	31.6	16.0	51.4	24.6
1792	31.1	16.2	61.7	13.3
1793	27.0	14.6	60.2	24.3
1794	37.8	14.4	71.0	22.0
1795	46.7	13.3	65.8	22.2
1796	41.9	16.2	63.6	24.2
1797		14.7	56.5	18.3

There are two main tendencies that these percentage figures seem to indicate. One is that both in Scotland and in England, the Excise offices appear to have been significantly more efficient than the corresponding Customs offices. The other is that the percentage loss – for both customs and excise – was undoubtedly much higher in Scotland than south of the border. This was particularly the case for the Scottish Customs office, which was never able to submit to the Treasury as much as half of the revenues it had collected, the worst year by far being 1794, when even less than 30 percent was sent on to London. Compared with the Customs office, the Scottish Excise office did not fare quite so badly. Since the collection of Excise duties must have been more expensive in Scotland than in England, the fact that the figures for the Scottish office do not trail that far behind those for its English counterpart – always below 10 percentage points in this period – is an indication that the Excise must have been one of the more efficiently administered taxes in Scotland.²⁴ Finally, by averaging the percentage loss-figures, we can get an impression of the relative efficiency of the respective offices over time. The figures we arrive at then, are that the average loss for the English Customs and Excise offices were 36.0 and 15.1 per cent respectively, whereas they were 61.5 and 21.3 per cent for the equivalent Scottish offices. Again this seems to reinforce the impression that the Scottish Excise office did not trail very far behind its English counterpart, on average by a mere 6.2 percentage points.

²³ Percentage figures have been rounded to nearest 1/10 per cent.

²⁴ The geography of Scotland, the size of the country relative to the size of the population and the more spread-out pattern of settlement, all indicate that administering a direct tax on commodities would necessarily have to be more expensive there, than in more densely populated England.

In the approach to taxation so far we have focused on the Scottish contribution in overall terms. It is also of interest, however, to look at how, and by whom, this burden of taxation was carried, and whether the situation in Scotland was any different from the rest of Britain. In order to form an idea of this it is necessary to introduce the concept of incidence of taxation. Thus far, the figures used have been those of tax receipts at current values, which means that the effects of inflation have not been taken into account. Consequently, these figures do not tell us how the tax burden related to increases in wealth or national income, nor do they say very much about how the tax burden was distributed among the various groups in Scottish society. Both these aspects of the incidence of taxation need closer examination. There seems to be little doubt that even when measured in real prices – i.e. compensating for inflation – the Scottish proportion of tax revenues still grew slowly for the whole of the eighteenth century, and increased more rapidly from 1793 onwards. This growth in the overall Scottish tax contribution appears to have been sufficiently large to offset the effects of the population growth Scotland experienced in this period, so that the per capita tax burden increased as well. Thus even when taking inflation and population growth into account, the indication is that the *real* tax burden was going up.²⁵ To be entirely certain of this, however, it is necessary to know how the higher tax-level related to the changing wealth of Scotland over time. Unfortunately, the absence of any Scottish national income estimates makes it difficult to pursue this question any further in a strictly Scottish context, but Peter Mathias has carried out a calculation for Britain as a whole and he concluded that for the eighteenth century: ‘deflating to identify real trends, beyond monetary movements, shows tax revenue growing consistently faster than the national income’.²⁶ It would not be unreasonable to assume that this increase also applied to Scotland, since the evidence presented above demonstrated that the Scottish contribution to British tax revenues was increasing at a faster rate than the British total in the revolutionary war period. Of course, national income *could* have been growing faster in Scotland than in England – thereby compensating for the increasing

²⁵ Gunning, ‘War’, pp. 178-81.

²⁶ Peter Mathias, *The Transformation of England* (London, 1979), p. 121. See also: Mathias and O’Brien, ‘Taxation in Britain and France’, *JEEH*, 5 (1976), 635.

tax burden – but there is no clear evidence that this was so, nor is it particularly likely to have been the case. Consequently, also when compensations are made for inflation, population growth and economic growth, the impression is one of an increasing tax burden on Scotland in the 1790s.

In order to determine the distribution of the tax burden – that is, to answer the question of ‘who paid’ – it is necessary to classify taxes according to whether they were progressive, proportional or regressive, and the generally accepted view has been that – overall – direct taxes were progressive, and indirect taxes regressive.²⁷ As far as the general development over the course of the eighteenth century is concerned, the overall conclusion reached by Gunning was that from an early position of rough equality between direct and indirect taxes, the contribution of direct taxes on income and property fell progressively after the Seven Years War ended in 1763.²⁸ John Brewer has projected this argument even further back, stating that the most important eighteenth-century direct tax – the land tax – provided a substantial part of total tax revenue up until 1714, only to decline in relative importance thereafter.²⁹ The reason behind this decreasing importance of direct taxes such as the land tax was not simply the lower rate of such taxes, but the steep growth of indirect taxes, and particularly of Customs and Excise duties. After 1763 these two types of indirect taxes always accounted for more than half of the remittances to the British

²⁷ A proportional tax can be described as a tax which is levied in a way that makes it non-discriminating relative to an individual's income. The burden of taxation bears equally heavily on all taxpayers, in the sense that they all have to pay the same percentage of their income in tax, and the incidence of the tax can therefore be said to be ‘neutral’ relative to income levels. It is perhaps debatable whether such a tax can actually exist, and the idea of a ‘neutral’ tax is possibly more of a political than an economic question, but the concept of proportionality is nevertheless a useful one in shedding light on the other two tax systems. When labelling a tax progressive, the implication is normally that the tax burden increases with the level of income, so that higher income-earners pay a higher percentage of their income in taxes than lower income-earners. Thus, with a progressive tax the burden of taxation is skewed towards the wealthier sections of society. A regressive tax, by contrast, has the opposite effect. Such a tax places the heaviest burden on low income-earners, leaving them in a position where they pay a larger share of their income in taxes, than do those with a higher income. Typically, regressive taxes are taxes on consumer goods which can be defined as ‘necessities’. From this it emerges that progressive and regressive taxation is positioned on either side of proportional or ‘neutral’ taxation. For a further discussion of these concepts, see: Gunning, ‘War’, pp. 181-86; and Mathias and O’Brien, ‘Taxation in Britain and France’, *JEEH*, 5 (1976), 619.

²⁸ *Ibid.*, p. 187. A tax would be classified as direct if the money was paid by the tax-payer to the government without going via any intermediaries. An indirect tax, by comparison, would be issued on a commodity rather than a person, and be paid directly to the authorities by the salesman, and only indirectly by the buyer. Generally speaking, direct taxes were those levied on income or wealth, and indirect those on outlay – hence on consumption. See: Gunning, ‘War’, pp. 183-84.

²⁹ Brewer, *Sinews of Power*, p. 95.

Treasury, the Excise being by far the more important of the two.³⁰ Gunning rightly stated that such indirect taxes were ‘socially regressive’, since they bore more heavily on the less well off in society.³¹ While the land tax – as a tax on property – was carried by the landed classes, most indirect taxes were levied on widely used consumer goods, and would therefore constitute a heavier financial burden for the poor. Indirect taxes could also be levied on goods defined as luxuries – which meant that they would fall overwhelmingly on the rich – but, by and large, the majority of these duties were placed on such commodities as soap, leather, salt, candles, spirits and malt, all of which were commonly consumed, and perhaps even seen as necessities.³² Some commodities were taxed because they had previously been luxuries, but had since become widely consumed products by the mass of the population, and the most important of these by the late eighteenth century were sugar and tobacco. Most indirect taxes consequently bore more heavily on low income-earners than on those with high incomes, and for that reason were of a regressive nature.

Alan Gunning’s calculation for the period 1797-1810 demonstrated that direct taxes plus stamp duties and post office receipts accounted for 34.4 per cent of remittance from Scotland, whereas customs, excise and salt duties accounted for 65.6 per cent of these remittances.³³ The indirect taxes were therefore clearly the more important, and not only did they dominate in the revenue raised in Scotland, Gunning also argued that: ‘in all probability a far higher proportion of this 65.6% came from taxes on articles in mass consumption rather than on items consumed exclusively by the rich’.³⁴ Since a number of commodities which had previously been viewed as luxuries were becoming more commonly consumed by the late eighteenth century, it is likely that the indirect tax burden was increasingly being borne by the less well off in society. It is important to point out here, however, that this was unintentional on the part of the authorities. The prevailing political orthodoxy was that when choosing which commodities to tax, the authorities ought to be careful to avoid those goods

³⁰ Gunning, ‘War’, p. 197.

³¹ *Ibid.*, p. 187.

³² In this context, the malt tax would primarily function as an indirect tax on beer, which was largely viewed as a necessity.

³³ Gunning, ‘War’, p. 203.

³⁴ *Ibid.*, p. 204.

which were seen as absolutely essential for everyone – such as bread. The problem was that former luxuries, for example whisky, were becoming ordinary consumables, and as long as the old taxes levies on them remained in place, the inevitable result was that the tax burden was moving down the social ladder.³⁵

A small qualification of the picture presented so far needs to be made, however, since the introduction of the income tax in 1799 undoubtedly increased the proportion of tax revenue derived from direct taxes. As the income tax was only levied on middling and higher incomes, it made the overall incidence of taxation less regressive, moving the tax burden slightly towards the better off in society. Even so, it is important to stress that this was only a minor alteration to the general distribution of the tax burden, and that the bulk of the taxes were still carried by the lower classes.³⁶

From the point of view of the comparative line adopted here, it seems appropriate to ask whether the results presented above serve to distinguish Scotland from the rest of Great Britain. In all likelihood they do not. Gunning concluded that:

the Scottish case seems to have been similar to the British one in the sense that [,] because of the high share of indirect taxes which fell on consumption and the low share of direct taxes on income and wealth [,] it is likely that the main burden of war needs fell on consumption rather than [on] savings and investment.³⁷

The tax burden in Scotland was largely regressive in its social incidence, and in this, the situation north of the border did not deviate significantly from that of Great Britain in general.

III *Attitudes to Taxation*

Taxation in Scotland was an issue which attracted attention from many quarters, and was a topic of some debate throughout much of the eighteenth century. The

³⁵ See: Mathias and O'Brien, 'Taxation in Britain and France', *JEEH*, 5 (1976), 619.

³⁶ The tax was subsequently abolished as soon as a peace-agreement had been reached in 1802. *Ibid.*, 614.

³⁷ Gunning, 'War', p. 203. See also: Mathias and O'Brien, 'Taxation in Britain and France', *JEEH*, 5 (1976), 621.

background for this debate was the seeming inability of the government to raise any significant tax revenue in Scotland. Repeated attempts had been made after 1707, aimed at setting up a new and efficient tax system north of the border under the auspices of the British state. Several commissions were appointed with the task of developing and organising a tax regime for Scotland, but the results were far from impressive, and for the main part of the century, the Scots remained lightly taxed by English standards.³⁸ Indeed, the organising of a well-functioning tax regime in Scotland faced so many problems – including smuggling and corruption – that some contemporaries thought it hardly worth the trouble to impose any taxes on the Scots whatsoever. They were unlikely to yield as much in revenue, as it would cost to collect them in any case, the argument went. This apparent failure to tax the Scots efficiently gave Scotland a bad reputation in England, and has led Alexander Murdoch to conclude that: ‘the problem of taxing Scotland efficiently and effectively seems to have been beyond the capabilities of eighteenth-century government’.³⁹ None the less, the situation improved towards the close of the century, and when – in 1790 – a Yorkshire MP raised questions in the House of Commons concerning the ‘small return of the Excise Duties in Scotland’ and otherwise presented some of the more well-rehearsed English complaints about the state of taxation in Scotland; he received a sharp response from the Commissioners at the Excise Office in Edinburgh, who claimed to have solid evidence to the opposite effect.⁴⁰

Cross-border arguments of this kind, or other discussions over the relative Scottish tax contribution, became less prominent after 1792. Fewer commentators appeared to be interested in, or have time for these old debates, now that the leading

³⁸ See: Alexander J. Murdoch, *‘The People Above’: Politics and Administration in Mid-Eighteenth-Century Scotland* (Edinburgh, 1980), pp. 17-22.

³⁹ Murdoch, *People Above*, p. 20.

⁴⁰ NLS, MS 14, ff. 86-9, Commissioners of Excise to Henry Dundas, Excise Office Edinburgh, 4 May 1790 [quote: f. 86.]. The Commissioners responded to the allegations by, for example, stressing that the annual gross amount raised by Excise taxes in Scotland had increased ‘upwards of eight times its original produce’ of £44,664 in 1708 to £387,982 in 1789, a rise which was proportionately greater than that experienced in England within the same period; and that many articles which were consumed in Scotland, were either imported into or manufactured in England, and that the duties on them were therefore ‘put to the Credit of the English Revenue’, although they were in fact ‘paid by the Inhabitants of Scotland’. A particularly glaring example, they thought, was tea ‘the legal importation of which, the Legislature has thought fit to confine to the East India Company alone, so that the whole Consumpt [*sic*] of Scotland ... pays Duty at the India House, and is brought to Account of the English Excise’ [see: ff. 86v-87v.].

radicals, with Tom Paine at the front, were attacking taxation in Britain as a *whole*. The issue of taxation thus became drawn into the wider debate between radicals and loyalists, where the radicals – following Paine’s scathing attack on the existing tax regime in the second part of *Rights of Man* – argued in favour of lower taxes, while the loyalists did their best to defend the current level and mode of taxation.⁴¹ In this new and polarised political climate there seems to have been less room for a continued debate over the relative Scottish tax contribution, and also those Scottish pamphleteers and commentators who addressed the issue of taxation in the 1790s, did so primarily within this new British context. We will return to the wider debate between radicals and loyalists in the last chapter of this thesis, and address the role played by taxation within loyalist ideology, but for the moment, it is necessary to focus on the technical side of the argument in favour of taxation. Two particularly good examples, which sum up the gist of this argument, can be found in the pamphlet *The Patriot*, written by the Church of Scotland minister and prominent loyalist pamphleteer Thomas Hardy, and in an essay by John Young, the Anti-Burgher minister at Hawick.

In his pamphlet, Hardy did concede to the radical claim that there were many taxes, but, he argued, it did not necessarily follow that they constituted a burden on the people. That, he claimed, would depend on the ability of the country to pay them and, in the case of Britain, this question would need to be investigated before it could be decided if the taxes bore too heavily on the people. And even if the conclusion of such an investigation was that the British paid a substantial part of their income in taxes, it could not thereby be stated, Hardy argued, that the people were carrying a heavy or undue ‘burden’. Indeed, he went on to construct an argument that taxes were actually to the benefit of everyone, since they would have an inflationary effect on the economy, whereby profits and wages would go up and the effect of the taxes would be eliminated:

The effect of the taxes has been to raise the profits of every profession. They are chiefly paid by the rich: The heavier taxes are laid immediately on the rich, and they relieve the poor of their whole share

⁴¹ See: Thomas Paine, *Rights of Man* (London, 1792), part two, chapter 5, ‘Ways and Means of Improving the Condition of Europe, Interspersed with Miscellaneous Observations’.

of the others, as they are the employers of the poor, and must advance their payments at or beyond the increased price of the necessities which the people must buy; and in these, all their taxes are included.⁴²

The validity of Hardy's argument is certainly debatable, since it is doubtful if wages always increased in line with the raise in taxes, but it is interesting to note that John Young argued in much the same way.⁴³ Young pointed out that the authorities were in a better position than the public to judge what an appropriate tax-level should be, and – even if the taxes were high – the British were in that happy situation of having their tax burden decided for them by their representatives. He also underlined that France had a more unreasonable tax system, or so he believed, and that the French poll-tax alone 'would be heavier than all our taxes together', on which point he was undoubtedly wrong. More central in Young's essay, however, was his argument about the inflationary effects of taxation, which was largely the same as Hardy's.⁴⁴ As it emerges from their line of argument, both Hardy and Young were concerned with the level of taxation in general, and neither of them commented on the relative Scottish contribution.

Few other loyalist pamphleteers awarded as much time and space to the issue of taxation as Hardy and Young had done, but some did at least raise a few points in response to the radicals' and Thomas Paine's arguments. Alexander Carlyle admitted that taxes in Britain 'no doubt have been increased', but insisted that 'the most prudent care has been taken, that they shall as little as possible affect the labouring poor', and claimed that 'a person in that condition, if he lives with becoming frugality, has not to pay in taxes for all he purchases during a whole year, above the value of the wages of five days labour'.⁴⁵ One anonymous pamphlet printed in 1793 argued that the burden of taxes should never be 'estimated by the *amount of Revenue, collected by means of them*, but by the *ability of the people at the time, to pay them*'.⁴⁶ Since the brunt of the tax burden was carried by the rich, the pamphlet

⁴² Thomas Hardy, *The Patriot* (Edinburgh, 1793), p. 70.

⁴³ John Young, *Essays on the following Interesting Subjects* (Edinburgh, 1794).

⁴⁴ *Ibid.*, p. 121.

⁴⁵ Alexander Carlyle, *National Depravity the Cause of National Calamities* (Edinburgh, 1794), p. 19.

⁴⁶ Anonymous, *A New Year's Gift, to the People of Great Britain* (Edinburgh, 1793), p. 20 [original italics]. See also: Robert Thomas, *The Cause of Truth, Containing, besides a great variety of other matters, A Refutation of Errors in the political works of Thomas Paine, and other publications of a similar kind* (Dundee, 1797), pp. 396-402.

claimed, this was not a problem at the current stage, and, in any case, those taxes which ‘chiefly affect the poor, such as those on *candles* and *leather*, *are the same they were 70 years ago*’.⁴⁷ A similar point was stressed by another anonymous pamphlet,⁴⁸ and the Reverend James Roger stated that, as far as taxation was concerned, ‘the most numerous class, those in the lowest order, especially in Scotland, pay little or nothing to government’, since they were neither subject to ‘poll tax or house duty’, nor paid excise duty on the most important means of subsistence ‘barley, oats, milk, butter, cheese, [and] eggs’.⁴⁹ Roger also emphasised that some degree of taxation was absolutely necessary in order to sustain civil government, and that the British taxes were in any case ‘so well regulated’ that ‘they cannot be called oppressive’,⁵⁰ while Andrew Hunter saw the ‘regular payment of taxes’ as but one of many duties the subject owed to the government of the land.⁵¹

In spite of the disagreement between loyalists and radicals over the general level of taxation, there seems to have been a continued consensus over who should carry the main burden of taxes. As Alan Gunning has argued: ‘Whether owing to fears about the possible repercussions of political discontent or from philanthropic motives there does seem to have been an almost unanimous opinion that “necessities” of the poor should only be lightly taxed and taxes on them increased only in instances of utmost need’.⁵² General consensus or not, as has been pointed out in the discussion on taxation above, gradually passing the tax burden on to the poorer sections of society was exactly what happened, even if the authorities had no intention of doing so.

IV *The Repeal of the Coal Tax*

To the extent that members of the general public held any opinions about taxation, they tended to be focussed more on individual taxes and duties, than on the general

⁴⁷ *Ibid.*, p. 21 [original italics].

⁴⁸ ‘A Friend of Order’, *A few Plain Questions to the working people of Scotland* (Edinburgh ?, 1793).

⁴⁹ The Rev James Roger, *Essay on Government* (Edinburgh, 1797), p. 48.

⁵⁰ *Ibid.*, p. 45.

⁵¹ Andrew Hunter, *The Duties of Subjects* (Edinburgh, 1793), p. 10. Robert Thomas made a similar point. Thomas, *Cause of Truth*, p. 396.

⁵² Gunning, ‘War’, p. 211.

tax level, and in Scotland, there was one duty in particular which attracted a disproportionate amount of attention. This was the so-called 'coal tax', which was probably the single most unpopular tax in Scotland at the beginning of the 1790s, and in this case, the discontent *was* concerned with the relative tax burden carried by the Scots. Although it was used at the time, it is worthwhile pointing out that the term 'coal-tax' is potentially misleading in this context, and therefore in need of a clarification.

The specific tax in question was not levied on coal as such, but rather on the transportation of coal by sea, or as some contemporaries phrased it – on coal *carried coastwise*. Coal, which was distributed over land, did not carry a similar duty. This distinction was part of the English system of duties on coal, which was supposed to have been introduced in Scotland in its entirety with the Union treaty of 1707. At the time, however, the Scottish coal producers along the Firth of Forth had managed to obtain a temporary exemption from the duties levied on English coal, for all Scottish coal used within Scotland, thereby shielding themselves from English competition. This exemption was only conceded for three years in the original Treaty, but in 1709, the Forthside coalmasters had asked for a continuation of their privilege, and had obtained a more limited benefit. From then on, coal shipped within what was defined as the estuary limits of the Firth of Forth was to be exempted from the transport tax, whereas all shipment of coal to other parts of Scotland had to carry the duty. The consequence was that coal provided for the largest part of the Scottish market – the Lowland area – by producers within that same area, did not have to pay transport duties, and this exemption served to give Scottish coal producers some degree of protection from the cheaper and better quality Newcastle coal, thereby enabling them to retain a monopoly of coal provision in the Lowlands.⁵³ In the rest of Scotland, however, where the coal tax had to be paid on seawards deliveries, it was deeply resented, and believed to have the effect of making this important fuel unnecessarily expensive. Such feelings ran particularly high in the north-eastern parts of the

⁵³ See: Christopher A. Whatley, 'Salt, Coal and the Union of 1707: A revision article', *Scottish Historical Review*, 66 (April 1987), 26, 32-3, 40-1; Christopher A. Whatley, 'New Light on Nef's Numbers: Coal Mining and the First Phase of Scottish Industrialisation, c. 1700-1830', *Society in Scotland since 1700: Essays presented to Professor John Butt*, eds., A. J. G. Cummings and T. M. Devine (Edinburgh 1994), pp. 7-8; and Michael Fry, *The Dundas Despotism* (Edinburgh, 1992), p. 166.

Highlands, which were remote from any of the major coal producing areas of Scotland, where there was little local coal mining taking place, and where coal consequently had to be brought in by sea.⁵⁴ Whether the coal tax actually *did* make coal markedly more expensive in those parts of Scotland where the duty had to be paid, than in those areas which were exempted, is not entirely clear – the difference may have been only marginal, although sufficient to make the untaxed Scottish coal slightly cheaper than the taxed English coal – but there is little doubt that the tax was disliked in any case.

Complaints about the coal tax surfaced in late 1792, when a letter to the Home Office stressed that an easy way of removing some of that discontent the authorities attributed to radicalism, would be to ‘to take off the duty on Exportation of English Coal into Scotland. At present it amounts almost to a Prohibition and the poor suffer extremely by it in many places particularly on the Shores of Galloway and Dumfries-shire’.⁵⁵ A similar point was made in a petition from the local elite in Dumbartonshire, where a period of heavy autumn rain in the Highland districts of the county had made the normal source of fuel – peat and turf – partially unusable. This had, according the petitioners, exposed the ‘lower Classes of the People’ to ‘great additional hardships’, since they could not afford to buy coal in the place of peat and turf, and they concluded that:

This being the Situation of the Poor in Dumbarton Shire where the Coasting duty upon Coals is not paid we cannot but be Sensibly affected at the Calamitous Conditions of those Countys more distant from Coal and exposed to a high Coasting duty which we must consider as a real and unequal Grievance Artificially oppressing in a high degree those extensive and northern districts in an Article which nature has totally denied them.⁵⁶

Further petitions for a repeal of the coal duty emerged in the press in mid-January the next year. By then, however, Henry Dundas had already taken the initiative for a removal of the tax, by launching a motion to that effect in the House of Commons,

⁵⁴ Inland transportation of coal over anything beyond very short distances was not an economically viable option until well into the nineteenth century. See: Whatley, ‘Nef’s Numbers’, p. 16.

⁵⁵ National Archives of Scotland [NAS], RH2/4/66, f. 220, Will Keyden [?] to [...], 6 December 1792.

⁵⁶ NAS, RH2/4/68, ff. 3-5, Meeting of the ‘Freeholders, Commissioners of Supply, Justices of the Peace and Heretors of the County of Dumbarton’, Dumbarton, 9 December 1792 [quote: f. 4v.].

and most of these petitions consequently focussed on expressing their support for Dundas's bill.⁵⁷ One of the earliest petitions came from the Annual General Meeting of the Highland Society, and read:

COAL – DUTY FREE

There is but one sentiment among the people of this country with respect to the motion made by Mr DUNDAS for taking off the duty upon Coals carried coastways north ... This measure is truly a national concern, and is of a vast deal more importance to the country than the reform so anxiously sought for by the Boroughs.⁵⁸

Similar petitions were sent by members of the local elite on Orkney,⁵⁹ from the Stewartry of Kirkcudbright,⁶⁰ the burgh of Tain,⁶¹ and by the Easter Ross Farming Society,⁶² while the Sheriff Substitute of Caithness wrote to Dundas: 'wishing all Success to your patriotic endeavours to remove the Duty on Coals so universally complained of in the poorer and more northern Counties of Scotland'.⁶³ Henry Dundas thus appears to have had a solid backing from across Scotland for the motion he presented on 1 January 1793, and when he spoke to the House of Commons on the issue, his argument was based partially on the points put forward in the two earliest petitions.⁶⁴ The motion seems to have run into little resistance in parliament, and was reported to have been 'carried unanimously' when Henry Dundas first presented it. Part of the reason for this lack of opposition must have been the reassurances Dundas

⁵⁷ In December 1792, Dundas had received a direct request of promoting a repeal of the coal tax from Sir William Maxwell in Dumfries, who acted on behalf of a meeting that had been held there to discuss the circular letter Dundas had sent out to all the sheriffs of Scotland, asking for information about the situation with respect to grain and fuel. See: NAS, GD224/31/6, ff. 18-19, Sir William Maxwell to the Duke of Buccleuch, Springkell, 17 December 1792; and Henry W. Meikle, *Scotland and the French Revolution*, (Glasgow, 1912), p. 101.

⁵⁸ *Caledonian Mercury*, 12 Jan. 1793 [original capitals].

⁵⁹ *Ibid.*, 4 Feb. 1793, 'Meeting of the Freeholders and Commissioners of Supply of the County of Orkney'.

⁶⁰ NAS, RH2/4/69, ff. 197-98, 'General Meeting of the Freeholders, Commissioners of Supply and Heritors of the Stewartry of Kirkcudbright', 17 Jan 1793.

⁶¹ *Caledonian Mercury*, 1 March 1793, 'The Trades, Burgesses, and other Inhabitants of the Burgh of Tain'.

⁶² *Ibid.*, 1 April 1793.

⁶³ NAS, RH2/4/68, f. 144, Brodie [?] Sheriff Substitute of Caithness to Henry Dundas, Thurso, 12 January 1793. See also: *ibid.*, f. 168, 'Meeting of the Magistrates Town Council and Inhabitants of the Town and Borough of Tramburgh[?] and Neighbourhood', 14 January 1793.

⁶⁴ See: *The Times*, 3 Jan. 1793, 'PARLIAMENTARY INTELLIGENCE, HOUSE OF COMMONS, Wednesday 1 Jan., Scotch Grain and Fuel'. Dundas argued that the duty on importation of coal to Scotland was so large 'as almost amounted to a prohibition', and that 'the people of that country had therefore generally used turf for fuel; but the late excess of rain had in a great measure destroyed that resource'. *Ibid.*

gave the House that – as far as ‘the revenue of the United Kingdoms’ was concerned – ‘any measure he proposed for the relief or benefit of one part, should not be injurious to the general interest of the whole’, i.e. the removal of the coal duty in Scotland should not affect the overall revenue-returns from the country.⁶⁵ In practical terms this meant compensating for the revenue lost through the repeal of the coal tax, by introducing a new, or increasing an old duty in Scotland – what was later termed a ‘commutation’ tax – and the manner in which the repeal of the transportation duty on coal in Scotland was subsequently administered, points to a degree of interaction and compromise between the needs of the government and the popular demands of the public.⁶⁶ One particularly unpopular tax – that on the transport of coal – was removed, only for the lost revenue to be at least partly recovered by increasing the duties on another, less controversial tax. As David Brown has pointed out: ‘In early 1793 in order to lower fuel prices, government removed the tax on coal carried coastwise. For the ordinary people of Scotland it was the single most popular act of Henry Dundas’s career. Part of the revenue lost to the Treasury was recouped by a further distillery act’.⁶⁷ As it turned out, increasing the license duty did not make whisky more expensive, nor did it raise the anticipated amounts of revenue for the government, but this could not be foreseen in early 1793.⁶⁸ Success or not in terms of raised revenue, for Dundas the offering of a compensation tax may have been crucial in persuading Parliament to support his scheme, since even as prominent a politician

⁶⁵ *The Times*, 3 Jan. 1793.

⁶⁶ George Home of Wedderburn had warned Dundas as early as in February 1793 against removing the coal tax without a compensation for the loss of revenue, and he argued that – if repealed – ‘the Coal duty hitherto paid in Scotland should be commuted for some new Tax peculiar to Scotland’. NAS. GD267/1/17, George Home to ‘Dear Sir’, Edinburgh, 20 February 1793.

⁶⁷ David J. Brown, ‘The Politicians, the Revenue Men and the Scots Distillers, 1780-1800’, *Review of Scottish Culture*, 12 (1999), 51-52. [The distillery act raised the licence duty, which a whisky distiller had to obtain in order to produce whisky legally.]. Many commentators were deeply concerned about the increasing consumption of cheap whisky among ordinary people in the 1780s and 90s, and therefore supported a higher duty on distillation since they assumed this would have the effect of making whisky more expensive, thereby reducing, or at least containing, the use of this spirit. Exchanging the coal tax with a raised duty on whisky production was therefore unlikely to cause much popular opposition.

⁶⁸ Due to innovations in the distillation of whisky, the large Scottish distilleries were selling rapidly increasing amounts of cheap, poor-quality whisky in the 1790s, and whisky was gradually replacing beer as the main alcoholic drink of ordinary people. See: Brown, ‘Scots Distillers’; Vivien E. Dietz, ‘The Politics of Whisky: Scottish Distillers; the Excise, and the Pittite State’, *Journal of British Studies*, 36 (1997), 35-69; and Ian Donnachie, *A History of the brewing industry in Scotland*, (Edinburgh, 1979), p. 23.

as Dundas might have struggled to gain support for a tax cut, at a time of looming war. By raising the licence duty on whisky distillers, however, MPs may have felt reassured that an unpopular tax could be removed without any significant loss of income. To steer this legislation through Parliament probably required quite some effort from Dundas's side, and the quality of his work did not go unnoticed. Once the news of the eventual repeal of the coal tax reached Scotland, letters of thanks from many parts of the country were either sent to Dundas, or printed in the press, and some of them showed an appreciation for the need to introduce a commutation tax.

William Walker at the Exchequer Office in Edinburgh was among the first to express his satisfaction over the removal of the tax, which he did in a letter to the editor of the *Edinburgh Evening Courant* in late June. Walker held that:

A fair and beneficial law has thus, in my humble opinion, been now obtained for this country; and Mr. Dundas, without sinking the revenue, has the sole merit of repealing that coal-duty, which has been so oppressive to a great part of Scotland, and for which, I have no doubt, he will receive that grateful acknowledgement from his countrymen which so meritorious an act deserves.⁶⁹

The magistrates and council of Dumfries County were of a similar opinion,⁷⁰ as was the Scottish Chamber of Commerce,⁷¹ and the elite of Inverness County.⁷² From Montrose, it was reported that upon the arrival of the news from London, 'the bells were immediately set a-ringing, and the colours belonging to the town, the different corporations, and ships in the harbour, displayed, under a general discharge of the guns of the battery',⁷³ while the magistrates and council in Aberdeen expressed their gratitude to Dundas by 'unanimously' voting 'him the Freedom of their City', due to be presented 'in an elegant Gold Box, with a suitable inscription'.⁷⁴ The local elite in the county of Forfar, however, probably went further than most, when they requested 'the favor of Mr. Dundas to sit for his Portrait at the Expence of the county to be

⁶⁹ *Edinburgh Evening Courant*, 24 June 1793, 'To the PRINTER'.

⁷⁰ *Caledonian Mercury*, 27 June 1793.

⁷¹ *Edinburgh Advertiser*, 5-9 July 1793.

⁷² *Caledonian Mercury*, 7 Sept. 1793.

⁷³ *Ibid.*, 25 July 1793.

⁷⁴ *The Times*, 6 July 1793; and *Edinburgh Evening Courant*, 11 July 1793.

placed in the County Hall', and also asked the same favour of their MP, David Scott of Dunninald.⁷⁵

For Dundas, however, the repeal of the coal tax was not only a matter of national political strategy. He also had a personal political interest in removing the duty. In the northeast, where coal had to be imported, the supply and price of this particular commodity was a political issue, and Dundas was seeking to build up his political strength in this area. If he could be seen to be promoting the interests of the people living there, by removing a tax which was particularly burdensome for them, then that was unlikely to harm his popularity and influence there.⁷⁶ When this could be done without causing damage to his 'interest' in other parts of the country, or to his influence among the leading classes of Scottish society in general, then so much for the better. It is worth noting in this context that, whereas it was considered safe to repeal the coal tax, the also very unpopular corn laws, which placed restrictions on the trade of grain between different parts of Britain, remained in place. Henry Meikle has argued that Dundas was well aware that the basis of his power was the landed classes, and to retain the corn laws was important for their continued wealth. It would therefore not be in Dundas's interest to alienate himself from this group by a removal of the trade restrictions on grain, no matter how popular it might have been in trouble-spots such as Dundee.⁷⁷

As the repeal of the coal tax demonstrates, the government was prepared to listen to, and act upon complaints from people in general and, in a decade when the survival of the state in large measure depended upon its ability to rally the people behind its struggle against domestic radicalism and the threat of a French invasion, this was not without significance. The last two chapters will address the issue of Scottish support for the government in the 1790s in more detail.

⁷⁵ NLS, MS 1058, Melville Papers, ff. 25-28, 'Meeting of the Freeholders, Justices of the Peace and Commissioners of Supply of the County of Forfar', 16 August 1793. See also the address of thanks to Dundas, presented by the Convention of the Royal Burgh of Scotland. *Edinburgh Advertiser*, 12-16 July 1793.

⁷⁶ Whatley, 'Salt, Coal and the Union of 1707', *SHR*, 66 (1987), 43.

⁷⁷ Meikle, *Scotland*, pp. 100-1.

Chapter 6

Demonstrations of Loyalty

So far, this thesis has discussed how the 1790s saw a new kind of challenge to the British state and its political system, and how the government in Scotland responded to this challenge. In the last two chapters we will address the issue of Scottish support for the government, and the extent to which Scots were prepared to rally to the defence of the British state at this time of crisis. Loyalism is divided here into two separate categories, those of ‘Demonstrations of Loyalty’ and ‘Loyalist Ideology’, the first of which will be the focus of this chapter. Before we go on to address the different ways in which Scots demonstrated loyalty to the British state, however, it is necessary to look briefly at the encouragement the government gave to loyalism, as well as the various events of the decade that sparked a loyalist response.

I *Incentives*

The overall government policy for enlisting the support of people in general – as well as the many reservations the authorities had when it came to encouraging loyalism – was outlined in chapter two, and most other aspects of the government’s efforts to encourage public support for itself and for the war were addressed either in relation to military recruitment, or the challenge of radicalism. This chapter will therefore provide only a brief summary of these, while also addressing a few government incentives which have so far not been mentioned.

The first initiative the government took to encourage loyalty was to issue the Royal Proclamation against seditious writings in May 1792. Although the proclamation was aimed primarily at the representatives of local government, as well as the local elites – who were asked to assist the central government in its attempt to suppress radicalism – William Pitt and his ministers had taken the first step towards facilitating and encouraging the involvement of the general public in the political debate on the French Revolution; a decision which was reinforced by the second proclamation in December of the same year. To an extent, this amounted to an

attempt to fight the radicals on their own ground, by appealing to the support of the general public just as they did and, as such, it was a strategy which involved a considerable risk for the government. Perhaps for precisely that reason, no further encouragements of a similar kind were given once the radical movement began to falter, and, for the remainder of the decade, government attempts to rally the support of the general public tended to be aimed at more specific issues, rather than at the suppression of radicalism in general.

The first of these attempts was the Royal Proclamation issued after the first attack on the king at the state opening of Parliament on 29 October 1795. Published within two days of the attack, the proclamation condemned the attempted assault on the monarch's person, and enjoined 'all Magistrates, and all other [of] our loving subjects, to use their utmost endeavours to discover and cause to be apprehended the authors, actors and abettors concerned in such outrages'. A reward of £1000 was promised for information which would lead to the conviction of the perpetrator, but, despite the widespread view that radicals had been involved in the incident, no further mention was made of either radicals or seditious activities in the proclamation.¹ The other attempts the government made to encourage loyalism were mainly related to either recruitment of men for armed service, or to the public's financial contributions to the war effort. Both the invitation to arm in 1794, and the Defence of the Realm Act of 1798, included clauses which encouraged subjects to offer their personal service to the state on a voluntary basis, whereas the three Navy Acts of 1795 set out specific quotas of the men which needed to be raised in the different localities; these were similar to the Militia Act of 1797.² While several incentives were thus given to encourage service in the armed forces, only one major effort was made to convince the general public that it should give its financial support to the government on a voluntary basis as well. Entitled a 'Voluntary Contribution for the Defence of the Country' the scheme – which had been devised by 1798 – was primarily an appeal from the government to the wealthy classes of Britain, and an attempt to let them demonstrate their loyalty and patriotism by giving

¹ *Caledonian Mercury*, 5 Nov. 1795, 'BY THE KING, A PROCLAMATION', Court of St. James's, 31 October 1795.

² For a discussion of the Navy Acts of 1795, see: chapter 4, pp. 146-47.

their financial support to the state voluntarily, rather than through a new levy of taxes.³ This attempt at creating a nationwide subscription campaign was part and parcel of the government's programme for a truly national defence against invasion, and was therefore complementary to the Defence of the Realm Act of the same year. It aimed to provide the financial basis for the defence against invasion. Similar to the Defence Act, the initiative behind the Voluntary Contributions scheme appears to have originated from outside the cabinet, and possibly in Scotland.⁴ The Duke of Buccleuch had at least written to Henry Dundas in the early summer of 1797, offering to contribute nine-tenths of his income to the government, rather than to submit to the 'disgracefull conditions of Peace', and whereas this may not have been the only incentive the central cabinet ministers obtained, it none the less seems clear that Dundas had taken inspiration from Buccleuch's proposal.⁵ Although primarily aimed at wealthier Britons, the proclamation was also addressed to ordinary people, encouraging them to contribute as best they could. In the current 'critical situation', the address stated, 'money is as necessary as men; and those fleets and armies which fight in our defence must be paid and provided for by the country they defend'. Admittedly, most of this new revenue was intended to be raised from 'men of large monied capitals, without families, or in situations which do not occasion, or lead to, an expence in living nearly adequate to their fortunes', or otherwise in proportion to the means of the contributors, but it was emphasised nevertheless that 'it is not from the rich only that such contributions may be expected. Persons of every station and condition, we are confident, will readily come forward in aid of this measure, as their ability and circumstances may allow'. It was further stated that those people whose situations in life 'do not admit of their present contribution in money', would instead be given the opportunity of 'aiding their country ... by their personal services and

³ *Caledonian Mercury*, 8 Feb. 1798.

⁴ J. E. Cookson, *The British Armed Nation 1793-1815* (Oxford, 1997), pp. 72, 215-18. Cookson did not state where the idea came from, only that it 'originated outside the Cabinet', *Ibid.*, p. 215.

⁵ Whether the Duke was genuinely prepared to make such a sacrifice may be an open question, but since Henry Dundas had subsequently asked him if the 'publick feeling in the Country' was such as would make them willing 'to undergo the want of a tenth of their present contents [?] and expenditure to save the Country from disgrace and ultimately destruction', this may indicate that Buccleuch's suggestion had at least set Dundas thinking along the lines of a voluntary type of financial contribution from the public. NAS, GD224/30/3, ff. 17-18, Henry Dundas to the Duke of Buccleuch, Wimbledon, 19 June 1797.

labour, which the public funds will compensate'.⁶ The plan was, in other words, for those who had any money to spare to contribute financially to the defence of the country, whereas those who had no money to offer could offer their personal service instead, for which they would be given a monetary compensation. Beyond the initiatives mentioned so far, however, the only direct involvement the government had in the development of loyalty and loyalism over the course of the 1790s was the decision to back the Reeves Association in 1792 at the cost of the other fledgling loyalist societies that were emerging at the same time, but demonstrations of loyalty were also triggered by events and developments outside of the government's direct control, either concerning the war, or related to the situation at home.⁷

A striking feature of Scotland in the 1790s is how well informed the general public appears to have been about political events at home and abroad. Some of the more prominent demonstrations of loyalty that took place were clearly responses to key events during the decade – on both the domestic and the overseas front. The three most crucial British naval victories of the 1790s – Lord Howe's victory over the French on the 'Glorious first of June' 1794, Admiral Duncan's defeat of the Dutch fleet at Camperdown 1797, and Nelson's famous and decisive victory over the French fleet at the Battle of the Nile on 1 August 1798 – all drew loyalist responses of one kind or another, as did the less successful campaigns fought by the British army in Flanders.⁸ The French Revolutionaries' attitudes to war and peace was another issue to which people responded, as were the political developments within France itself. Many Scots also used any appropriate opportunity to express a more general support for the war and for the government's war policies. At home, the most obvious causes for demonstrations of loyalty were the two attempts on the life of George III, in 1795 and 1800 respectively, and within Scotland, the King's Birthday riots in Edinburgh in 1792 and the activities of the British Convention in 1793 both sparked a loyalist reaction. Not all demonstrations of loyalty were, however, direct responses to either specific events or to government initiatives, and a crucial element

⁶ *Caledonian Mercury*, 15 February 1798, 'ADDRESS TO THE INHABITANTS OF SCOTLAND from the COMMITTEE FOR CONDUCTING THE VOLUNTARY CONTRIBUTION FOR THE DEFENCE OF THE COUNTRY', signed by the Duke of Buccleuch and Thomas Elder.

⁷ On the government's support for the Reeves Association, see: chapter 2, pp. 70-2.

⁸ Nelson's second major victory at the Battle of Copenhagen in 1801 does not appear to have attracted a similar response in Scotland.

of any discussion of loyalism must therefore be the extent to which people took their own independent initiatives, and whether this led demonstrations of loyalty to become a political force outside of the government's control. Since there were many ways in which Scots might demonstrated their loyalty to the British state that have not been recorded for posterity, this chapter will not aim to provide an exhaustive discussion of all possible kinds of loyalist demonstrations, but rather focus on those that were particularly prominent, involved a substantial number of people and were of significance for the war-effort. These will be addressed under the four broad categories of 'Loyalist resolutions', 'Information and initiatives' given by the Scottish public to the government, 'Personal service' and 'Financial support', but first it is necessary to look at the loyalist association movement, which marked the beginning of explicit demonstrations of loyalty to the British state.

II *The Loyalist Societies*

It was pointed out in chapter two that loyalist associations began to emerge across much of Britain in late 1792 in response to the upsurge of political radicalism and popular unrest that year, and that this occurred *before* the government had finally decided to encourage popular support for itself and for the British state. In Scotland, this response was slower to materialise than in England, and more hesitant at first, which may have been partly because of the later outburst of radical activities there. Following the rioting in Scotland in 1792, however, an increasing number of reports were sent to the central government in London, stating that people were coming out in support of the government and against the activities of radicals and politically motivated disturbances. George Home in Edinburgh – who held the position of Clerk of Session, and was a man trusted by the government – wrote to his cousin Patrick Home in London in late November 1792 stressing that:

The Spirit of Reform as you know was first begun among the master manufacturers, in many places particularly about Glasgow they are now come to repent of it when it is too late, they foresee that any convulsion must produce unavoidable ruin to them, and are now doing every thing in their power to check and restrain that spirit of sedition they have raised, in so much that the Reform societies about Glasgow

are daily diminishing in numbers, and do now consist only of the very refuse of the People.⁹

Less than a month later, he wrote that the establishment of a loyalist association in Edinburgh had had a very favourable effect in subduing the ‘Spirits of the Levellers’, and that ‘a Generall understanding to give no Employment to Tradesmen or Shop keepers who have adopted the new fashioned Doctrines’ had developed.¹⁰ This, in turn, had caused many of them to withdraw their names from the societies established by the Scottish reform organisation the Friends of the People. About a week later he reported that ‘this Country is getting into better temper’, so much so that a recent attempt at instituting a Friends of the People society in Berwickshire had been abandoned due to a lack of interest.¹¹ Similar views were expressed by William Craig, the sheriff depute of Ayr, who informed Henry Dundas that ‘at present in Ayrshire all factious meetings are very much disliked and that the same is the case with the *farmers* and *tenants*’,¹² and an anonymous letter sent to John Reeves in London from Edinburgh in January 1793 stated that:

Here, as in London, People begin to cool greatly about Reform. – Few talk in favors [*sic*] of it, – and these few are pointed out, and laughed at. – I have hardly to doubt that in less than Six Months, it will be almost forgotten, and this happy Country, restored to its former Order & Happiness.¹³

This gradually emerging support for the government notwithstanding, the Association for the Preservation of Liberty and Property against Republicans and Levellers does not seem to have gained such a strong foothold in Scotland, as it did in England. Reeves’ societies were never as numerous on the ground in Scotland as they were south of the border,¹⁴ and the amount of Scottish correspondence that has

⁹ NAS, GD267/1/16, George Home to Patrick Home Esq. of Wedderburn M.P. Gower Street London, Edinburgh, 25 November 1792.

¹⁰ *Ibid.*, George Home to ‘Dear Sir’ [Henry Dundas?], Edinburgh, 12 December 1792.

¹¹ *Ibid.*, Letter dated: Edinburgh, 21 December.

¹² NAS, RH2/4/65, ff. 82-3, Will Craig, Sheriff depute of Ayr to Henry Dundas, Edinburgh 24 November 1792 [original italics].

¹³ British Library [BL], Reeves Manuscripts, Add. MSS 16928, f. 11, ‘the Author of the Reformers & [?] Edinburgh’ to John Reeves Esquire, 7 January 1793.

¹⁴ Austin Mitchell, ‘The Association Movement of 1792-3’, *Historical Journal*, 4, (1961), 62.

survived in the organisation's own records is not very extensive.¹⁵ This is not to say that the association did not receive a positive welcome from many Scots, however. John Mackenzie in Cromarty, for example, wrote to John Reeves in late January 1793 to inform him that at a loyalist meeting in the town, the 'Minutes of the day' had received '120 Subscriptions', and that another 150 had signed the 'Subscription Book' since then. This was particularly impressive, Mackenzie thought, when considering that 'there are only about Three Hundred Heads of Families in this Town & Parish', and he predicted that 'if the Book was left open a few days longer there woud [*sic*] not be three non Subscribers'.¹⁶ At Kirkcudbright, a meeting called for the purpose of 'taking into consideration the state of the country' had been attended by 61, and received '*Letters and intimidations*' from another 32.¹⁷ Nevertheless, since there is little evidence of a similar kind from other places, it is difficult to say whether the examples of Cromarty and Kirkcudbright applied more generally in Scotland, and, in some areas, the movement was certainly given a more lukewarm response. A correspondent in Edinburgh, for example, wrote to the secretary of the association in London in January 1793 expressing his dismay at the lack of enthusiasm for the movement which seemed to prevail there:

I ... regret that I have not heard of any Proposition having been made here for establishing associations on a smaller Scale; – such as these recommended by your Committee to be erected in different Parts of London & its Environs – the Expediency of which applies, in a certain Degree, to Edinburgh, & every large Town.¹⁸

The association's programme for distributing loyalist pamphlet material also seems to have received a mixed response. An anonymous letter to the secretary in London, written in late November 1792, stated that since 'the principles on which you act must meet with the approbation of every fine friend to his country in this part of the Island – where I am sorry to say the dangerous doctrines your society reprobates

¹⁵ Material relating to Scotland can be found in BL, Add. MSS, 16919, 16920, 16924, 16928, 16930 and 16931.

¹⁶ BL, Add. MSS, 16924, ff. 128-29, John Mackenzie Preses & Walter Ross Secr. to John Reeves Esq., Cromarty 22 January 1793. See also: BL, Add. MSS, 16931, f. 48, 'At a numerous Meeting of the Inhabitants of the Town & Parish of Cromarty' [Loyalist address in which it is stated that the resolutions were 'Subscrib'd by 280 Heads of Family out of 300 of which the parish consists'.].

¹⁷ *Ibid.*, f. 88, '*AT KIRKCUDBRIGHT*', 17 January 1793.

¹⁸ BL, Add. MSS, 16928, ff. 1-2, J. Marjoriebanks to J. Moore, Canongate Edinburgh, 1 January 1793.

have made more impression on the lower classes than they have done in England', the publications that the association had already been disseminating in England 'will therefore be of use if circulated in Scotland'.¹⁹ Some time later, the Sheriff of Fife wrote to John Reeves reporting that 'above 2000 Pamphlets have already been distributed in this County and I am happy to acquaint you that the ferment and irritation of mind that persuaded many of the lower order of People in this Country is greatly subsided at least for the time'.²⁰ Others, however, were not equally convinced of the necessity of circulating loyalist material in Scotland. Matthew Campbell, the sheriff substitute of Wigton, for example, also wrote to John Reeves, informing him 'that this County is in the most perfect Tranquility [*sic*] and that distribution of Loyal & Constitutional Publications in this Country is only administrating Good medicine to a Healthy Body'.²¹ Majoriebanks, who had complained of the lack of enthusiasm for the movement in Edinburgh, also admitted that the necessity of forming such organisations were, to some extent, 'superseded by the Declarations published by most of the Incorporated Trades & Societies in the City & Liberties; expressive of this Loyalty, Attachment to the Constitution, &c'.²² This was a central point, because, whereas John Reeves's organisation may not have made as strong a breakthrough in Scotland as in England, Scots demonstrated their loyalty as forcefully in other ways.

III *Loyalist Resolutions*

By far the most extensive source of evidence on demonstrations of loyalty to the government and support for the war effort in the 1790s – in terms of the sheer quantity of material that has survived – is that of loyalist addresses, resolutions and declarations. More than 400 of them were sent from Scotland alone during the

¹⁹ BL, Add. MSS, 16919, ff. 43-4, 'A friend to good order & the British Constitution' to J. Moore Esq., Secretary to the Association for preserving Liberty & Property – Crown and Anchor Tavern London, Edinburgh, 26 November 1792.

²⁰ BL, Add. MSS, 16924, f. 43. Cland Boswell Sheriff of Fife to John Reeves Esq., Cupar County of Fife, 6 January 1793.

²¹ *Ibid.*, f. 27, Matt Campbell She. Sub. To John Reeves Esq., Wigton NB [probably an abbreviation for 'North Britain'], 5 January 1793.

²² BL, Add. MSS 16928, ff. 1-2.

Revolutionary War, and they remain one of the chief sources of loyalist sentiment and ideology in this period. A loyalist resolution would normally be addressed directly to the King, but resolutions expressing loyalty and support were sometimes also sent to the representatives of local government. As demonstrations of loyalty, resolutions were almost invariably written and sent in response to specific events, and were therefore also addressing specific issues. This did not stop them from carrying a more general loyalist message, or from adopting loyalist arguments used in other contexts, nor did it prevent them from often following a standardised set-up and structure; but there was no steady output of addresses year by year. Instead, loyalist resolutions came in waves, responding to some of the more crucial events of the decade.

Sending loyal resolutions or addresses to the king and his ministers was, however, no novelty by 1792, but followed a long-standing British tradition of demonstrating support for the monarch and the government at times of national emergency, crisis, or celebration.²³ The most recent event to have sparked a wave of loyal addresses was George III's recovery from his mental illness in 1789, when hundreds of congratulatory addresses were sent to the king from all corners of the country,²⁴ but there had also been significant numbers of resolutions sent on earlier occasions in the eighteenth century.²⁵ Indeed, an address to the king was often the prime way by which a large proportion of the population could show their interest in, concern about or support for given policies, in a legal manner. As such, the address was the direct opposite of the petition, which was the only legal way in which most people could present *grievances* to the authorities. The loyal resolution's long tradition notwithstanding, mass-issuing of addresses had not been as common in Scotland as it had been in England before the 1790s and, in this sense, the waves of resolutions emanating from Scotland in 1792 and afterwards *were* unprecedented, and represented a new aspect of Scottish society as far as its willingness to display support for the British monarch and government in London was concerned.

²³ Mitchell, 'Association Movement', *HJ*, 4, (1961), 61.

²⁴ For an example of a Scottish address from 1789, see: National Archives of Scotland [NAS], RH2/4/61, f. 78, Address by 'the Delegates of the Burgesses of Scotland, in convention assembled', Edinburgh, 21 August 1789.

²⁵ See: H. T. Dickinson, *The Politics of the People in Eighteenth-Century Britain* (Basingstoke, 1994), pp. 275-76.

Loyalist addresses were – apart from being sent to the king – usually published in the press, and since only a small sample of these addresses were retained in the government’s own correspondence, newspapers remain the best source of information on this type of evidence. The most reliable in this respect was the government’s own publication the *London Gazette*, which printed addresses during all the major waves of resolution-writing, but resolutions were also published in other newspapers – both national and local. Since many loyalist addresses were printed in more than one newspaper and the details of some addresses may not have survived, it is impossible to determine the precise number of resolutions that were actually drafted and sent. Furthermore, in the case of those addresses which were sent in response to the two Royal Proclamations in 1792, it is clear that the *London Gazette* did not publish *all* the resolutions that were sent, but focussed on those originating with local public officials, or other members of the local elites, whereas local newspapers such as the *Caledonian Mercury* in Edinburgh omitted most of these addresses and instead concentrated on those that came from the general public. The figures presented here for the total number of addresses are therefore estimates, although more precise figures can be given for the respective newspapers.

The first of the three large nation-wide waves of addresses – which also contained the very first resolutions to be sent from Scotland in this period – began in the summer of 1792, following the Royal Proclamation of 21 May 1792. The country’s response to the proclamation was a veritable flood of addresses to the king, streaming in from all corners of the kingdom, and indicating that the proclamation had struck a cord with a significant number of people, who had so far remained in quiet disapproval of the activities of political radicals. To begin with, it was predominantly local public officials who sent addresses. The first Scottish resolutions to be printed came from ‘the Lord Provost, Magistrates and Council of the City of Edinburgh’, and of Stirling, and were published in the 2-5 June issue of the *London Gazette*.²⁶ Addressing the King directly, the Edinburgh officials opened their resolution by emphasising ‘their Zeal and Attachment to the Constitution of their Country’ as well as ‘their Loyalty to their Sovereign, and their Gratitude for that

²⁶ *London Gazette*, 2-5 June 1792.

warm Manifestation of his fatherly Affection to his People, which is displayed in his late Royal Proclamation'. They then proceeded to express their abhorrence at the 'alarming Attempts of those Enemies to their Country, who seek to poison the Minds of the people of these Realms ... by raising up the Shadows of Grievances which were never felt but in Imagination', activities which could only lead to disaster unless they were timely checked.²⁷ The Edinburgh address set a standard for the resolutions which were to follow. Typically, an address would open by expressing its signatories' thanks to the king for issuing the proclamation, then go on to praise the blessings which subjects enjoyed under the British constitution and present government of Britain, as well as their support for that government and attachment to that constitution – which they swore to protect against its enemies – before expressing their disgust at the activities of political radicals, and pledging to suppress all sedition and attempts by 'evil-minded and designing Men to disturb the Public Tranquillity', as an address from Argyllshire phrased it.²⁸ A number of addresses also wished the monarch a long and happy reign, and a few stressed that if the British constitution had any 'imperfections' which were in need of being redressed, then the 'wise and temperate Means which the Constitution itself has provided for its own Preservation' would not only be more than sufficient to achieve this end,²⁹ but also far safer than reform 'by the dangerous Hands of Political Emphyries [*sic*]'.³⁰ Political reform – if there was to be any – ought in other words to be left to parliament itself, which knew best how to conduct this in a successful manner. From February 1793, most addresses – while still responding to the royal proclamation, and condemning seditious activities – were also addressing the recent outbreak of war with France. A second address issued by the provost and magistrates of Edinburgh in January 1793, for example, argued that to express support for the war against France was nothing but a logical consequence of the earlier decision to support the government against its domestic enemies:

²⁷ *Ibid.*, 'WE, your Majesty's most dutiful Subjects, the Lord Provost, Magistrates and Council of this your ancient City of Edinburgh'.

²⁸ *Ibid.*, 21-23 June 1792, 'the Freeholders, Heretors and Justices of the Peace of Argyleshire'.

²⁹ *Ibid.*, 7-10 July 1792, 'the Magistrates and Town Council of Forfar, in North Britain'.

³⁰ *Ibid.*, 28-30 June 1792, 'the Noblemen, Gentlemen, Freeholders and Commissioners of Supply of the County of Ayr'.

We should hold ourselves unworthy of the Name of Britons, if in this alarming Crisis of imminent and common Danger, we did not rouse to a Man to repel the hostile Aggression of an Enemy, who, after tearing to Pieces every Bond of Society within her own Dominions, has raised a frantic Arm against the general Peace and Happiness of Europe.³¹

The French – together with those British radicals who had ‘traitorously courted the Fraternity of France’ – were wholly to blame for Britain’s entry into the war, they claimed, while the British government emerged as innocent in this unfortunate development.³²

By the time the second Royal Proclamation had been issued on 1 December 1792, a total of 80 Scottish loyalist resolutions had been printed in the *London Gazette*, nearly all of them from local elites, and the majority by the beginning of August.³³ The second proclamation did not lead to such an outpouring of addresses from local officials – there were only another 22 Scottish ones published in the *London Gazette* – but instead the number of resolutions sent from the general public now saw a substantial increase.³⁴ To some extent, Frank O’Gorman has argued, the response to the first proclamation must have been beyond the authorities’ expectations, since the proclamation had merely ‘urged magistrates to be watchful of seditious literature and its authors’ as well as ‘to stamp out riot and agitation’.³⁵ At the same time, however, it is clear that the local public officials who wrote back to the government assuring the king of their wholehearted cooperation in the

³¹ *Ibid.*, 23-29 Jan. 1793. See also: *ibid.*, 2-5, 26-30 March and 7-11 May 1793.

³² *Ibid.*, 23-29 Jan. 1793, ‘the Lord Provost, Magistrates and Council of the City of Edinburgh’.

³³ 70 resolutions had been printed by 1 August 1792, and the last address replying to the royal proclamations was inserted in the 28 May-1 June issue of the *London Gazette* in 1793.

³⁴ Of the 102 Scottish resolutions printed in the *London Gazette* in 1792 and 1793, a total of 79 were sent by public officials, 16 by presbyteries and 4 by universities. There was only one resolution sent by the ‘inhabitants’ of a burgh, and the remaining two came from ‘the General Convention of the Royal Burghs of Scotland’, and ‘the Bishop and Clergy of the Scotch Episcopal Church’. See: *London Gazette*, 23-26 June 1792, ‘the Inhabitants of the Burgh of Kirkcudbright’, 21-24 July 1792 [Royal Burghs] and 25-29 September 1792 [Scotch Episcopal Church]. 48 of the resolutions from public officials were sent by the ‘Lord Provost, Magistrates and Town Council’ of a town or city, or just ‘Magistrates and Council’ of a burgh, whereas 28 were from ‘Freeholders, Heritors, Justices of the Peace and Commissioners of Supply’. The 102 Scottish addresses printed in the *London Gazette* were part of a total figure of nearly 500 for the whole of Great Britain, which meant that the Scottish proportion must have been about one fifth. See H. T. Dickinson, *Politics of the People*, p. 276.

³⁵ Frank O’Gorman, ‘Pitt and the “Tory” Reaction to the French Revolution 1789 – 1815’, in *Britain and the French Revolution 1789 – 1815*, ed., H. T. Dickinson (London 1989), pp. 30-31; see also: Donald E. Ginter, ‘The Loyalist Associations Movement of 1792-93 and British Public Opinion’, *Historical Journal*, 9 (1966), 188.

suppression of seditious activities, were essentially only confirming that they would follow the instructions they had been given. If the response to the two proclamations overwhelmed the government, it was therefore perhaps more related to all those resolutions which were sent by different organisations, societies, associations and religious communities. Of the more than 120 addresses printed in the *Caledonian Mercury* from June 1792 until the beginning of May 1793, only a handful came from public officials, while the majority originated from the general public. Among those who sent addresses were presbyteries, as the largest group, various incorporations or associations of different professions, such as advocates, physicians, bakers, hammermen, merchants, manufacturers, shoemakers, traders, tailors and weavers, other groups consisting of farmers, landholders, tenants, freemasons, some times even labourers, or just simply the ‘inhabitants’ of a county, burgh, town or parish. Relatively few of these addresses were issued and published before the second royal proclamation, or even by the end of 1792, which meant that the majority of them came much later than those printed in the *London Gazette*. Only six had been printed by 1 December 1792, and 40 by the end of the year. By and large, it was therefore mainly local government officials who replied to the first royal proclamation, whereas the Scottish public in general responded to the second proclamation and, based on the figures presented here, it can be safely concluded that the number of loyalist addresses sent from Scotland in response to the two proclamations must have amounted to at least 200.³⁶

The second large nation-wide wave of addresses came in the wake of the alleged assassination attempt on the king at the state opening of Parliament on 29 October 1795. Unlike the loyalist resolutions of 1792-93, the addresses to the king in 1795 were rarely published in the local press, and the *London Gazette* is therefore the main source of information about them. Addresses from Scotland were published from early in November 1795 until the end of January 1796, and the total exceeded

³⁶ Over the same period, another Edinburgh newspaper – the *Edinburgh Evening Courant* – printed nearly 60 Scottish resolutions, most, but not all, of which were also published in the *Caledonian Mercury*. See: *Edinburgh Evening Courant*, 30 June 1792 – 7 February 1793. For resolutions which have survived in the government’s own correspondence, see: NAS, RH2/4/64, ff. 260-61; 66, ff. 231-32, 280, 329-30, 333; 67, ff. 401, 442, 477-78, 508; 68, ff. 3-5, 56, 114, 115, 131-36, 146; 69, ff. 283, 298; 70, ff. 88, 105-6, 131, 181; 71, ff. 209, 226-27; and 206, ff. 301, 307, 310, 314, 316, 325, 345, 354-55, 364-65.

170. Most of these addresses opened by either expressing abhorrence and astonishment at the recent attempt on the king's life, or by congratulating the monarch on his fortunate escape. Although it varied from address to address which of the two they included first, and which would receive the more emphasis, it is worth noting that *all* the addresses included both points. The difference between them tended to be whether they stressed the *positive* factor of the king surviving an attempt on his life – in which case the address was likely to mention this first – or the *negative* fact that someone had attempted to assassinate the monarch. Having thus made an initial decision on whether to take a generally positive or negative approach, these addresses then went on to cover themes such as a belief that divine providence had shielded the king's life, and hopefully would continue to do so in the future; some even held the king's escape to be proof that the British system of government was not 'meant' to be tampered with. It was stressed that only a few deluded men supported the attack, whereas the majority of the population was appalled, and most addresses concluded with reassurances of the addressers' firm attachment to both the person of the king and his government. More significant, perhaps, was the connection made in some of the addresses between the attack on the king and the activities of people promoting radical policies. About 25 of the Scottish addresses suggested that there was such a link. Not all of them argued that the attack had in fact been carried out by political radicals themselves. Many of them merely stated that something like this was to be expected when designing men were trying to stir up the people against their rulers, or that all the recent radical propaganda and agitation could have led some unthinking soul astray, and caused him to commit this deplorable deed – the radicals were in other words at least *indirectly* responsible for what had happened. A handful of addresses *did*, however, make the link between the attack and radicalism more explicit; of which the declaration sent by the Royal Paisley Volunteer Corps was particularly poignant. The Paisley Volunteers found it appropriate to:

express their highest Indignation and Abhorrence at the late daring Attempt on the sacred Person of your Majesty by a Band of cowardly Assassins, the Engines of a desperate Faction, whose Views, under the

specious Pretext of Reform, evidently are to subvert the Constitution and deluge that Land with Blood.³⁷

Other themes touched upon in these addresses were a declared willingness to risk life and fortune in defence of the king's person, reassurances that the addressees would do everything in their power to combat sedition and tumult, support for the government's planned legislation against seditious activities, and a hope that those who were behind the attack would be apprehended and punished according to the severity of their crime. Unlike the loyalist resolutions of 1792-93, not as many of the addresses of 1795 came from public officials. The biggest single group was still provosts, magistrates and councils, but out of the 170 Scottish addresses published in the *London Gazette*, only 47 originated with this group, while 33 were issued by freeholders, heritors, justices of the peace and commissioners of supply – a group which contained some public officials, but also other members of the local elite who did not hold public office. At 80 addresses in all, nearly half of the total number had thus been sent by the local elites. 37 addresses were sent by presbyteries, whereas an entirely new group sending loyal addresses was the volunteer corps, as was seen above, and 24 corps sent addresses in 1795-96. In addition, there were six university addresses, and the remaining 23 originated with a whole range of different groups.³⁸

The third, and last, big wave of addresses to be sent during the Revolutionary War was triggered by a repeat of the same event which had caused the second wave – an attack on the king's person. The reaction from the public was much the same as it had been five years earlier, although the number of addresses sent from Scotland was probably lower than in 1795. A total of 107 addresses printed in the *London Gazette* from the end of May until the end of September can be identified as originating in Scotland, and this was fewer than after the first attack. The proportion of addresses sent by public officials was now higher than five years before, at 75 out

³⁷ *London Gazette*, 5-8 Dec. 1795.

³⁸ A batch of 38 of the original addresses which were sent to the king following the assassination attempt can be found in one of the supplementary volumes to the Home Office Correspondence for Scotland, and of these, ten came from presbyteries or synods, nine from magistrates and town councils and six from volunteer corps, with the remaining 13 originating with a whole variety of sources. See: NAS, RH2/4/211 [the whole volume consists of addresses]. See also: NAS, RH2/4/79, f. 179, Address from 'the Ministers and Elders of the Church of Scotland, met in the General Assembly of this National Church', Edinburgh, 21 May 1796; and 11 addresses printed in the *Caledonian Mercury*, 12, 21 and 28 Nov. 1795.

of the total 107,³⁹ but there were fewer addresses sent by presbyteries, and only about the same number from the Scottish universities.⁴⁰ Once more, the remaining 23 addresses came from a wide range of sources including the ‘Corporation of Candlemakers in Edinburgh’, ‘the Faculty of Advocates’, ‘the Gentlemen of every Description, and whole inhabitants of the County and Town of Nairn’ and ‘the Weavers’ Society of Crieff’.⁴¹

The survival of this evidence – from 1795 and 1800 respectively – concerning two very similar events, but written at different stages of the war, makes it possible to conduct a thorough comparison of the general views that were presented on these two occasions, and there are a two marked differences to be observed. A main theme in the 1795 addresses had been the threat posed by radicalism and sedition and, as was mentioned above, quite a few addresses had expressed a belief that political radicals had been involved in the attack. In 1800, however, not a single address mentioned either the word reform, radicals or sedition explicitly, nor was any form of *indirect* reference made to the political opposition in connection with this second attack on the king. To some extent, the reason for this may have been that the perpetrator had now been seized immediately after the attack, leaving little doubt as to who had committed the deed, but it is none the less striking that none seemed to be interested in exploiting this opportunity to smear the radicals.⁴² Instead they chose to focus even more strongly on the *person* of the king, and on how anyone could even imagine harming such a virtuous and admirable man. The magistrates and town council of Dunfermline, for example, wrote:

From whatever Motive this foul and nefarious Deed may have sprung, whether originating in the dark and bloody Conception of Treason, or the melancholy but dreadful Workings in the Mind of a Maniac, it is equally a Source of Wonder and Astonishment, that such an horrible Idea could have found Place in the Imagination of any Person living under the Protection of your Majesty’s Government. Happily through the Interposition of Divine Providence Assassination has missed its

³⁹ Of these 75 addresses, 49 were sent by Provosts, Magistrates and Councils, and the remaining 26 by Freeholders, Heritors, Justices of the Peace and Commissioners of Supply.

⁴⁰ There were only four addresses from presbyteries and five from the universities.

⁴¹ *London Gazette*, 3-7 June 1800, ‘the Deacon and Members of the Corporation of Candlemakers in Edinburgh’, 7-10 June [Advocates], 17-21 June [Nairn], and 24-28 June 1800 [Weavers].

⁴² Through the reports on the attack in the press, people would also have been aware of the alleged insanity of the perpetrator, James Hadfield. See: *Caledonian Mercury*, 19 May 1800.

Aim, and the British Empire is relieved from the Apprehension of suffering from so direful a Calamity.⁴³

This passage is also representative of the other main difference from the 1795 addresses. After the event taking place on the state opening of parliament five years previously, many addresses held it to be as much an attack on the British constitution and form of government as on the king as a man of flesh and blood. By 1800, however, no address appeared to see, or choose to see, the assassination attempt as an attack on the government. Several addresses did use the word 'treason', but did not seem to view the attack on the sovereign's person as an attempt to overturn the British state. Emphasis was instead placed on the dreadful fact that someone had tried to *murder* the king, or, in the words of the bishops and clergy of the Scotch Episcopal Church: 'to take away a Life so justly dear as that of the beloved Monarch of the British Empire'.⁴⁴ Moreover, it was not just *any* king whose life had been put in jeopardy. Indeed, George III was portrayed as the 'best of Kings', the 'Patriot King', the veritable pillar upon which the happiness of the whole British empire depended – some even claimed that the empire would crumble, if the king was to perish – and, most importantly, as the 'Father of his People'. The County of Dumfries, for example, declared a wish that, 'your majesty may long live and reign the Ornament of the Throne, the Guardian of constitutional Liberty, and the Father and Friend of a grateful People'.⁴⁵ This change from a focus on the assassination attempt as an attack by political radicals upon the British form of government, in 1795, to an attack upon the sacred person of the king, in 1800, can be seen as the result of two main developments in this period. First, it underlines the argument that domestic radicalism no longer posed a significant threat to the state in the second half of the 1790s,⁴⁶ and second, it indicates that the government's policy of presenting the George III as the benevolent Father of his People had been taken in by the general public. It is the argument of Linda Colley that a shift in the royal image, towards stressing the king's public, paternalist and national role, had set in as early

⁴³ *London Gazette*, 17-21 June 1800.

⁴⁴ *Ibid.*, 21-24 June 1800.

⁴⁵ *Ibid.*, 24-28 June 1800, 'the Freeholders, Justices of the Peace, and Commissioners of Supply for the County of Dumfries'.

⁴⁶ See: chapter 1, p. 36.

as the mid-1780s, and that this image had been decisively reinforced by the advent of the French Revolution.⁴⁷ The addresses sent in 1800 seem to indicate that this shift of image had eventually made its impact in Scotland.

Although the responses to the royal proclamations and the two assassination attempts represented the most significant waves of loyalist addresses in this period – at least in quantitative terms – addresses were also sent to London on several other occasions, albeit then in considerably smaller numbers. In 1797, at least six Scottish addresses were sent to the king following the second naval mutiny,⁴⁸ condemning the mutineers for the action they had taken, and a further three resolutions appeared in the press, without there being any clear indications of whether they were also sent to the government in London.⁴⁹ A common theme in these addresses was a firm belief that enemies of Britain – either domestic radicals or French revolutionaries – had been at work in the fleet and had deluded the good-natured, but perhaps slightly gullible, British seamen, and that *this* was the real cause of the mutiny, rather than any deeply held discontent or grievance on the part of the sailors. As the address from the county of Stirling stated: ‘Daring and evil-minded Persons have betrayed the open Frankness and Candour of British Seamen’,⁵⁰ and the Banffshire Volunteers – appalled by the ‘attempts made by designing Traitors & Incendiaries to corrupt the Fidelity & allegiance of his Majesty’s Forces’ – assured the authorities that in the case of anyone attempting infiltrate *their* corps in a similar fashion, they would ‘save the Civil Courts the trouble of a Trial of such Infamous Traitors’.⁵¹

⁴⁷ Linda Colley, ‘The Apotheosis of George III: Loyalty, Royalty and the British Nation 1760 – 1820’, *Past & Present*, 102 (1984), 102-6.

⁴⁸ NAS, RH2/4/80, f. 105, ‘the Corps of Banffshire Volunteers’, 15 June 1797; and *London Gazette*, 20-24 June 1797, ‘the Ministers and Elders of the Presbytery of Irvine’, ‘the Merchants, Ship Owners, and others, concerned in the Trade of the Port of Ayr’ and ‘the Merchants, Ship Owners and Ship Masters of the Town and Port of Irvine’; *ibid.*, 24-27 June 1797, ‘the Magistrates, Common-Council and Inhabitants of the Royal Burgh of Banff’; and *ibid.*, 27 June-1 July 1797, ‘the Noblemen, Gentlemen, Justices of the Peace, and Commissioners of Supply of the County of Stirling’.

⁴⁹ They were not addressed to the king specifically, as was the norm for loyalist addresses, but rather stated a set of resolutions, which had been reached at a ‘General Meeting’. See: *Caledonian Mercury*, 12 June 1797, ‘a General Meeting of the Merchants, Ship-owners, Ship-masters, and other Inhabitants of the PORT of LEITH’, ‘Meeting of the Merchants, Ship-owners, Ship-masters, and other Inhabitants of the Port of KIRKALDY’. *Ibid.*, 15 June 1797, ‘a General Meeting of the MERCHANTS, SHIP-OWNERS, SHIP-MASTERS, INSURERS, and the others in Borrowstounness’.

⁵⁰ *London Gazette*, 27 June-1 July 1797.

⁵¹ NAS, RH2/4/80, f 105.

A very few addresses were also sent to London following the two failed rounds of peace negotiations with the French in October 1796 and July 1797, and on both occasions, they showed a deep-seated indignation at the approach adopted by the French.⁵² Writing to the king after the first attempt at reaching an accord had failed, a group of 'Noblemen, Freeholders and Heritors' in Haddington expressed their concern to see 'the late Negotiations for peace humanely set on foot by our Majesty, abruptly broke off by the haughty and insolent Conduct and ambitious Views of the French Directory'.⁵³ A similarly fierce reaction followed the failure of the second round of negotiations, where it was generally held that Britain had taken a moderate and accommodating approach, whereas the French had refused to even *contemplate* peace on any other terms than complete French world domination. A meeting of the principal inhabitants of Lanark claimed that Britain had offered terms 'little short of unconditional Submission',⁵⁴ whereas a similar meeting in Nairn observed that: 'We have seen, with a Mixture of Regret and Indignation, that reasonable Overtures made by your Majesty for restoring Peace to these Realms rejected by our hostile and implacable Foe: that Openness and Moderation have been met by unexampled Evasion, Subterfuge and Duplicity'.⁵⁵ Far more joyous occasions for sending a loyal address to the king were the vital and spectacular naval victories of 1797 and 1798. At least eleven Scottish addresses were published in the *London Gazette* from early December 1797 until the end of 1798 concerning naval victories, and another three have survived in the correspondence of the Home Office.⁵⁶ Most of these addresses expressed a sense of relief, because these victories seemed to fend

⁵² For an account of the peace negotiations, see: Ian R. Christie, *Wars and Revolutions, Britain 1760 – 1815* (London, 1982), pp. 239-41.

⁵³ NAS, RH2/4/80, f. 13, address from 'the Noblemen The Freeholders and Heritors of the County of Haddington', Haddington, 17 January 1797.

⁵⁴ *London Gazette*, 26-30 Dec. 1797, 'the Noblemen, Gentlemen, Freeholders, and Justices of the Peace of the County of Lanark.

⁵⁵ *Ibid.*, 12-16 Dec. 1797, 'the Gentlemen, Freeholders, Justices of the Peace, and Commissioners of Supply of the County of Nairn'. The reverend James Roger raised the same issue in his *Essay on Government* in 1797. In Roger's view, the British peace-proposals had been 'insolently rejected' by the French. National Library of Scotland [NLS], 5.792(23), p. 59.

⁵⁶ See: *London Gazette*, 26-30 Dec. 1797; *ibid.*, 6-10 March, 27-30 Oct., 30 Oct.-3 Nov., 20-24, 24-27 Nov., 27 Nov.-1 Dec., 4-8 Dec. 1798; NAS, RH2/4/82, f. 223, Address from Inverness, Inverness, 27 October 1797; *ibid.*, f. 225, address by the Magistrates and Council of Aberdeen, Council Chamber Aberdeen, 23 October 1797; *ibid.*, f. 262, 'the Presbytery of Tain in the County of Ross', Tain, 29 November 1797; and NAS, RH2/4/84, ff 238-39, 'the Ministers and Elders of the Church of Scotland, met in the Commission of the General Assembly', Edinburgh, 21 November 1798 [also printed in the *London Gazette*, 27 Nov.-1 Dec. 1798].

off the most immediate danger of invasion, and thus gave the nation a respite from the strains and anxieties of the past two years, but some also found it difficult to disguise their satisfaction at the defeat of the French so soon after the Directory had declined British peace proposals. French ambitions of ruling Europe had been halted, and – in the words of the General Assembly of the Church of Scotland – the Battle of the Nile had provided no less than ‘a Victory which has given a fatal Blow to the Maritime Power of that usurping Nation who wish to give Law to the World’. First and foremost, however, this was an occasion to rejoice at the ‘irresistible Bravery and Skill’ of the ‘Admirals and Officers and Seamen’ of the Royal Navy, who had saved the nation from disaster.⁵⁷ The town council of Edinburgh – which had ‘voted a congratulatory Address to his Majesty, on account of Admiral Duncan’s victory’ at Camperdown – also decided to give its thanks to the Admiral himself, ‘presented in a gold box, value one hundred guineas’.⁵⁸

As an exception from the general rule outlined above, a few addresses were also sent at different times expressing more overall support for the government at a time of war, and by and large, these addresses were responding to the ‘war’ in a general sense, rather than to any specific events. There was a certain degree of overlap between ‘war-resolutions’ as such, and the first wave of loyalist addresses – since many resolutions sent after 1 February 1793 were responding to *both* the royal proclamations, *and* addressing the threat posed by the outbreak of war – but a few resolutions were none the less written, concerning the war alone. The first of these appeared in 1793, and was produced by the General Assembly of the Church of Scotland. The assembly had asked their moderator, Thomas Hardy (a noted loyalist), ‘to present a loyal address to his Majesty on the Subject of the war in which this country is at present engaged with the French Nation’, and ‘to express their abhorrence of the attempts made by that people to disturb or to overturn the other

⁵⁷ *London Gazette*, 27 Nov.-1 Dec. 1798.

⁵⁸ *Glasgow Courier*, 4 Nov. 1797. The same issue also included an address from ‘the Magistrates and Council of Aberdeen’, concerning the same victory, and from the ‘town of Dundee’, which had decided to give Admiral Duncan ‘a piece of plate’ of the same value as the gold box from Edinburgh Council. *Ibid.*

governments of Europe'.⁵⁹ The view that the French were to blame for the outbreak of the war was repeated by the same assembly exactly one year later,⁶⁰ and was supported by an address from the General Convention of the Royal Burghs.⁶¹ Several years later, the General Assembly again felt it opportune to 'Express the Sentiments which we feel on occasion of the Arduous Contest in which this Nation is engaged with a Neighbouring Hostile Power' – which were those of loyalty to the king – and the synod of 'Burgher Seceders' expressed similar views about the same time.⁶² Overall, however, war-related resolutions such as these remained rare. Resolutions condemning the activities of radicals in Britain, and accusing them of attempting to start a revolution at home, also continued to be issued from time to time, but in very small numbers compared with the massive waves of addresses in 1792 to 93. In May 1794, for example, the synod of Moray, found reason to take 'into their consideration the state of anarchy and confusion universally prevailing in a neighbouring nation, and reflecting with horror upon the attempts of some designing men to propagate [*sic*] these dangerous principles in several parts of this kingdom', it decided to issue an address of 'unshaken loyalty to the King'.⁶³

All the above-mentioned addresses came in response to events which affected every inhabitant of Great Britain. In a few cases, however, loyalist resolutions were sent to local government officials, and addressed events or issues of a more local concern. Shortly after the King's Birthday riots in Edinburgh in 1792, for example, a meeting was held by the Company of Merchants in the city, in order to consider a response to these disturbances. The outcome was a public address, in which the company pledged to 'give every aid in their power' in support of the local authorities, expressed their thanks to the lord provost, magistrates and sheriff for

⁵⁹ NAS, RH2/4/71, f. 230, Thomas Hardy to Henry Dundas, Edinburgh, 18 May 1793. *Ibid.*, ff. 226-27 [the address by:] 'the Ministers and Elders of the Church of Scotland', Edinburgh, 18 May 1793; or: *Caledonian Mercury*, 30 May 1793.

⁶⁰ NAS, RH2/4/76, ff. 22-3, 'the Ministers and Elders of the Church of Scotland', Edinburgh, 17 May 1794.

⁶¹ *Ibid.*, ff. 172-73, 'The General Convention of the Royal Boroughs of Scotland', Edinburgh, 9 July 1794.

⁶² NAS, RH2/4/84, ff. 234-35, 'the Ministers and Elders of the Church of Scotland met in the General Assembly', Edinburgh, 22 May 1798; and *London Gazette*, 8-12 May 1798, 'the Ministers and Elder in their Synod assembled, of that Body of Dissenters from the Church of Scotland, commonly called Burgher Seceders'.

⁶³ *Caledonian Mercury*, 1 May 1794. See also: *Ibid.*, 15 Feb. 1794, 'the Presbytery of Inverness'.

their handling of the crisis and offered a reward of 50 guineas 'for the discovery of the leaders and instigators of the late disturbances, or of the writers of any of the incendiary letters or seditious advertisements which have lately appeared'.⁶⁴ The initiative taken by these merchants was quickly followed by eight different 'incorporations' in the city, although none of them offered a similar reward. Instead, the 'corporation of Skinners and Furriers', for example, pledged to 'watch over their families and servants, or other respectively under their charge, and employed by them, and not only to warn them of the danger of being concerned in such outrages, but to do every thing else that lies in their power to restrain them from engaging in all lawless proceedings'.⁶⁵ Similar statements were made by another four incorporations.⁶⁶

When the Edinburgh authorities decided to put an end to the radical activities of the British Convention on 6 December 1793, the two men in charge of breaking up the assembly – Thomas Elder, the lord provost of Edinburgh and John Pringle, the sheriff-depute – published a proclamation the next day explaining why they had found it necessary to take this dramatic step. This was immediately met with a favourable response from many inhabitants in the city.⁶⁷ In the following issue of the *Caledonian Mercury*, no fewer than 16 incorporations and other professions in Edinburgh published addresses of thanks to the authorities for the resolute action they had taken,⁶⁸ and over the following two months another twenty similar addresses were printed in the Edinburgh press.⁶⁹ The members of the Dalkeith

⁶⁴ *Ibid.*, 9 June 1792, 'Meeting of the COMPANY of MERCHANTS of the City of Edinburgh, MERCHANTS-HALL, JUNE 7 1792'.

⁶⁵ *Ibid.*, 'At Edinburgh, within the Skinners Hall there, the 8th of June 1792'. The other incorporations were those of: Hammermen, Bakers, Websters, Tailors, Shoemakers and Waukers and Hat-Makers, as well as 'the United Incorporations of St. Mary's Chapel' [Edinburgh].

⁶⁶ The Shoemakers, Tailors and Waukers and Hat-Makers did not make such a promise. *Ibid.*

⁶⁷ See: *Caledonian Mercury*, or *Edinburgh Evening Courant*, 7 Dec. 1793; or *Edinburgh Advertiser*, 6-10 Dec. 1793, 'PROCLAMATION, by the Right Hon. Thomas Elder, Lord Provost of the City of Edinburgh and John Pringle, Sheriff-Deputy of the County of Edinburgh'.

⁶⁸ These were: 'the Royal College and Incorporation of Surgeons of Edinburgh', 'the Conventry of Canongate', 'the United Incorporation of St. Mary's Chapel', 'the Corporation of Bakers', 'the Incorporation of Goldsmith's' [Hall], 'the Company of Merchants of Edinburgh', 'the Deacons of Crafts', 'the Society of Barbers of Edinburgh', and the Incorporations of Bonnetmakers, Fleshers, Hammermen, Skinners and Furriers, Shoemakers, Tailors, Websters and Waukers and Hatmakers. *Caledonian Mercury*, 12 Dec. 1793.

⁶⁹ See: *Caledonian Mercury*, 19, 26, 28 and 30 Dec. 1793, and 16 Jan. 1794; *Edinburgh Advertiser*, 10-13, 13-17, 17-20, 27-31 Dec. 1793; and *Edinburgh Evening Courant*, 12, 14 Dec. 1793, 2, 4, 6, 16, 23 Jan., 10, 13 Feb. 1794.

Farmer's Society, for example, were of opinion that – although they had just recently issued a declaration of loyalty to the British constitution – they would have been inconsistent had they not now come forward to express their abhorrence at the proceedings of the British Convention, as well as their gratitude to Thomas Elder and John Pringle:

It is the opinion of this Society, that the propagation of similar principles and doctrines, if not timely checked, could scarcely fail to unhinge civil Government, and introduce into this happy island all the wild anarchy and confusion, the rapine, irreligion, murder, cruelty, and injustice, which for some time past have rendered France an universal scene of horror and pity to surrounding nations.⁷⁰

The views expressed by the Dalkeith farmers were typical of those that appeared in other addresses,⁷¹ and the Convenery of the Trades in Edinburgh even pledged that they would 'give no employment or support to such deluded and seditious persons, until they shall become peaceable members of society'.⁷² The majority of the addresses which were sent in response to Thomas Elder's proclamation came from Edinburgh and nearby areas,⁷³ but there were also addresses from as far away as Inverness,⁷⁴ and so impressed were the Edinburgh authorities with the response from the citizenry, that they published an official statement, thanking the inhabitants of the city for their support and assistance.⁷⁵

Overwhelming though this mass of loyalist resolutions at first sight may appear, a certain degree of caution ought still to be applied when attempting to determine the extent of genuine loyalty to the British state, and reverence for the British constitution, that can be derived from this outpouring of apparent support for the government. Although all the resolutions proclaimed their support for the government and expressed loyalty to the British constitution, the very fact that they

⁷⁰ *Edinburgh Evening Courant*, 4 Jan. 1794.

⁷¹ The Prebytery of Dalkeith, for example, presented similar views. See: *Edinburgh Advertiser*, 10-13 Dec. 1793.

⁷² *Edinburgh Evening Courant*, 23 Jan. 1794, 'the Convenery of the Trades in Edinburgh', Edinburgh, Magdalen Chapel, 21 Jan. 1794.

⁷³ See for example: NAS, RH2/4/74, ff. 154-55, Resolution by the 'Magistrates and other Principal Inhabitants of Paisley', 17 Dec. 1793 [who condemned the British Convention for advocating universal suffrage].

⁷⁴ *Ibid.*, 13 Feb. 1794, 'the Presbytery of Inverness'.

⁷⁵ *Caledonian Mercury*, 18 Jan. 1794, 'COUNCIL CHAMBERS, Jan. 16'.

came in large waves is in itself a good reason to be careful about ascribing too much importance to them, without further investigation. This is not to say that loyalist resolutions should, or can, be dismissed altogether, but rather that quality in content does not necessarily follow from quantity in numbers. As with other ways of demonstrating loyalty to the state, the crucial question to ask in connection with loyalist resolutions is whether the writing and sending of a loyal address to the king required much *effort* on behalf of those who did so, or to phrase the question slightly differently: what – if any – was the ‘cost’ involved in sending a loyalist resolution? Could an address be sent off to London without much thought going into either its wording, or the reason for sending it, and to what extent was resolution-writing perceived as a serious undertaking? To answer such questions, we need to look at those who sent the addresses, and at the content of these addresses.

On the first issue, the mere quantity of addresses does provide a few indications. As was pointed out above, most resolutions were drafted and sent by either public officials or other representatives of what may be termed the ‘establishment’ in Scottish society. In the first wave of addresses, magistrates, town-councillors, justices of the peace, commissioners of supply, noblemen, gentlemen and freeholders were the typical signatories of loyalist resolutions, and for this social group, support for the government and the existing political system must have been more natural than opposition. It was *they* – as the main property-owners and franchised classes of Scotland – who had most to lose from a wholesale reform or change of the British political system along the lines proposed by the radicals. Since this arguably gave them a vested and personal interest in upholding the political *status quo*, the cost of *not* supporting the government when it was under threat could thus be all the greater than the cost of providing such support – after all, sending a loyalist resolution represented a very small sacrifice.

For many other groups in society, however, it was less clear what interest *they* had in upholding the existing political arrangements, and this was perhaps particularly the case for ordinary working people, or the ‘lower classes’ as they were most commonly denominated by contemporaries. Ordinary people had little or no vested interest in the existing political system in Britain, and it was not immediately

clear that they would have anything to lose by an extensive reform of that system either. Indeed, many radicals argued – and argued quite convincingly – that they would have everything to gain from such reforms.⁷⁶ Thus, for ordinary people, attending meetings to draft loyalist resolutions must have required more effort than that required of their social superiors, and it is therefore significant that a number of loyalist resolutions *were* sent by people who were not part of the establishment.⁷⁷ There were, for example, addresses sent from weavers' societies, from the dissenting churches and the Scottish Episcopalian Church, from lodges of freemasons and from farmers or farmers' societies. Occasionally, addresses in the Scottish press were also accompanied by a list of those who had attended the meeting – normally stating their professions – and sometimes these lists included people of widely different occupations and varied backgrounds. An address sent by the inhabitants of Dunbar early in 1793, for example, was followed by a list of all those who had attended the meeting and had signed the resolution, and among them could be found: a merchant, a tobacconist, a writer, a physician, a shipmaster, a baker, an excise-officer, a bookseller, a brewer, a mason, a worker, a tinsmith, a carpenter, a shoemaker and so on.⁷⁸ In most cases, however, such lists of names and occupations were not included, and this makes it difficult to determine the extent to which people outside of the establishment attended loyalist meetings and signed addresses or resolutions.⁷⁹ Moreover, if the address had been sent by 'the magistrates and council' of a town or burgh, then it was most likely to have been only the local officials who had attended the meeting and signed the resolution.

The content, or wording, of loyalist resolutions is significant, mainly because there were so *many* written documents responding to the *same* incidents, or government incentives. It was pointed out above that those resolutions, which were

⁷⁶ Loyalist pamphleteers would, of course, later argue that ordinary people had as much of an interest as anyone else in maintaining law and order and as much to lose by a revolution on the French model. Since – in the view of these pamphleteers – the British constitution provided the best security for law and order, also ordinary people had a vested interest in retaining the political *status quo*. See: chapter 7, p. 292.

⁷⁷ This was the case for the assassination attempts of 1795 and 1800 in particular.

⁷⁸ Professions were given for all the 63 signatories of the resolution. *Edinburgh Advertiser*, 12-15 Feb. 1793, 'the Burgesses and other respectable Inhabitants of the burgh of Dunbar'.

⁷⁹ There may be a large undetected well of popular loyalism behind the waves of loyalist addresses, since typically vague indications of signatories to resolutions, such as the 'inhabitants' of a parish, town, county or burgh, *could* hide a substantial number of ordinary people.

sent during the three major waves, tended to touch upon many of the same themes, and often adopted a similar set-up or structure. To some extent, this was perhaps to be expected when a large number of addresses were sent in response to the same event, but in very many cases, the similarities were sufficiently many, obvious and striking, to give the impression that a bandwagon effect had been created. One can imagine that if the local public officials in one county had decided to issue a loyalist resolution, their colleagues in the neighbouring county might have thought it best to follow that example, in order to make sure that they too looked just as supportive of their superiors. In many cases, they may well have believed that this could be essential for obtaining patronage and other favours in the future. Consequently, when the local elite of a county, town or parish decided to meet and issue a declaration of loyalty to the government, the main reason for doing so may therefore simply have been the pressure they felt from all the other resolutions that had been issued, and a wish to avoid standing out at a time when 'everyone' was showing their loyalty to the government. More than any particular reverence for the British state, or commitment to the existing form of government, it may have been the intimidatory effect of sheer numbers which was decisive. Although it is difficult to provide absolutely solid evidence of such a bandwagon effect, there is little doubt that the majority of addresses were very similar, and in some cases also straight copies of earlier resolutions. After the second assassination attempt on George III, for example, the magistrates and councillors of Inverkeithing and Culross both sent exactly the same relatively bland and uninspired address to the king, in which they resolved to, 'beg Permission to approach the Throne with this humble Tribute of our sincere and heartfelt Congratulation of the recent providential Preservation of your Royal Person, and of a Life so justly dear to the People over whom and in whose Hearts you reign'.⁸⁰ Copied addresses notwithstanding, there were none the less a number of resolutions drafted, which were sufficiently original and individual – in terms of their wording, structure and themes – to justify the conclusion that at least some degree of thought and effort must have gone into the work of drafting the text, and that those who wrote them, had done so independently of others writing

⁸⁰ *London Gazette*, 16-19 Aug. 1800. Unfortunately, the notices in the *London Gazette* do not reveal who had copied whose resolution.

addresses in response to the same event. These more original addresses were, however, in a minority.

Although the degree of genuine loyalty that can be derived from the mass of loyalist resolutions may be difficult to ascertain, the sheer number of addresses that were sent, does at least indicate a political consciousness among the people in general, and a propensity to pay attention and to respond to dramatic political events. In this sense, the floods of addresses were perhaps a mixed blessing for the government, in that they seemed to demonstrate precisely that political education of the general public that the radicals were working to promote and the government wished to avoid. There were, however, other ways in which people demonstrated their loyalty to the state that arouse fewer doubts, although, as we shall see in the next sections, the evidence on these is not as abundant as it is on addresses and resolutions.

IV *Information and Initiatives*

From the outbreak of popular disturbances in the spring of 1792 until the peace of Amiens in 1802, many Scots provided the government with information about radicals and evidence of potential unrest, or presented ideas and initiatives for government policies of their own making, without any incentive or remuneration from the authorities. These amateur spies and would-be policy-makers often acted out of concern for themselves, their own businesses or other personal interests, or the welfare of their localities, but just as often they seem to have thought that the information they brought forward, or the suggestion they presented, could be of crucial importance for the authorities and the well-being of British society in general. In most cases, the information and policy suggestions thus provided by Scots were related to domestic affairs – and predominantly with radicalism – but on one or two occasions, they also addressed the activities of the French.

In early 1793, for example, a former soldier who had recently been in France wrote to the authorities to warn them of a French plot to assassinate George III, which he had heard about while in Paris. Denoting himself ‘a True Born Briton’, the

ex-soldier stated: 'I assure you that there are 37 Frenchmen in London who were sworn before a party of the National Convention at Paris to assassinate his Majesty on the first Opportunity even though in open day'. These French agents had received their instructions from Chauvelin – the former French ambassador to Britain – he claimed, and in an attempt to make sure that his warning was taken seriously, the last line of the letter read: 'You perhaps from the bad stile of the letter think it is all a sham but my early Introduction into the Military life hindered me from getting [a] Good Education'.⁸¹ More typical of the kind of information some Scots would send to the authorities was the case presented to Henry Dundas in an anonymous letter from Dundee in late December 1792. The author of the letter – who may have chosen to remain anonymous for security reasons – enclosed a radical pamphlet entitled: *On the folly and wickedness of War*, which he claimed had been 'distributed very industriously about this town'. Having obtained the pamphlet, he wrote:

I asked the Bookseller I got it from who was the author of this paper he declined to inform me of this but said it was taken out of some essay & altered to suit the understanding of the comon [*sic*] people & that it was printed in this Town. You will no doubt readily perceive the tendency it must have on the minds of those for whom it was wrote.⁸²

A similar case occurred in Perth about a month later, when the circulation of a resolution issued by the Friends of the People in Perth entitled: *Solemn Protestation Against the War* prompted one of the town's inhabitants to write a fiercely worded letter to Henry Dundas. 'Would it not be proper to look after the rascals who signed the inclosed?' he asked, before pointing out that 'these papers are circulated with much industry thro this part of the Country'.⁸³ In other cases, those who wrote to the authorities merely wished to inform them about the general state of radical societies in their area, or alternatively to reassure them that no seditious publications had yet been disseminated there.

⁸¹ NAS, RH2/4/69, f. 280, 'A True Born Briton' to 'Sir' [Henry Dundas?], Edinburgh, 5 February 1793.

⁸² NAS, RH2/4/67, ff. 523, 525, Anonymous letter to Henry Dundas, Dundee, 30 December 1792, and the pamphlet *On the folly and wickedness of War*.

⁸³ NAS, RH2/4/69, f. 359, Anonymous letter to Henry Dundas, Perth, February 1793; and *ibid.*, f. 361, Resolution on the War issued by 'a meeting of the Delegates of the Societies of the Friends of the People in Perth', Guildhall Perth, 29 January 1793.

This was still the case in the parish of Culross as late as in December 1792, when a letter to Robert Dundas stated that ‘no Seditious Publications have been circulated here’, but that ‘A worthless Individual from Dunfermline, formerly a recedenter [resident] in this place, attempted to cause disperse some Lead Medals with Transcriptions on them, calculated to inflame the minds of the Ignorant, & unthinking’, though without achieving much success.⁸⁴ A similar incident at Falkland shortly afterwards led the locals to expel a traveller who had attempted to ‘disseminate seditious and licentious principles’ in the ‘most public part of the town’.⁸⁵ Charles Hope – the sheriff depute of Orkney and Shetland – could give similar reassurances for the Orkney Islands in January 1793, when he wrote in response to the second royal proclamation: ‘It shall be our business to exert our utmost vigilance to prevent such publications finding their way to Orkney, in which I believe, they are as yet, unknown’. Instead of being influenced by radical literature, Hope wrote, the inhabitants of the islands were ‘warm in their loyalty to the King & attachment to the Constitution & very decided in their detestation of French principles, and French Proceedings’.⁸⁶ In other places, however, the situation was not as favourable as in Orkney, and in March 1793 Henry Jaffray in Stirling reported on a recent event where ‘the Jacobin Club or friends of the people as they improperly call themselves, went about collecting the manufacturers here and in the neighbouring villages for the purposes of meeting and sowing sedition against the Ministry on account of the present war with France’. A handbill had been issued, which Jaffray enclosed for Dundas’s ‘perusal’.⁸⁷

Occasionally, people in Scotland would also write to the authorities suggesting policies the government could adopt, and one of the first – and probably most influential – of these proposals was the suggestion of instituting a national day of fasting. It was ostensibly the French Revolutionaries’ attitude to religion that had prompted the idea, and one of the earliest suggestions came in a very brief

⁸⁴ NAS, RH2/4/66, f. 218, John Panton [?] to the Lord Advocate of Scotland, Culross, 6 December 1792.

⁸⁵ *Edinburgh Advertiser*, 18-22 Jan. 1793.

⁸⁶ NAS, RH2/4768, f. 102, Charles Hope, Sheriff Depute of Orkney, to Henry Dundas, Edinburgh, 8 January 1793.

⁸⁷ NAS, RH2/4/70, f. 18, Henry Jaffray to ‘Sir’ [Henry Dundas?], Stirling, 4 March 1793 [the handbill is missing from this volume of letters].

anonymous letter to Henry Dundas in February 1793. ‘The *Atheism* of the French is much declaimed against’ the letter stated, and it continued: ‘What say you to a *day* of *Fasting* in this Country, on the event of the War? Accompanied with a proper Proclamation it would do much good in Scotland’.⁸⁸ The same point was reinforced by the Rev. Mr. Lapslie, the minister of Campsie, at the end of the year, who wrote to the Lord Advocate: ‘You know the tendency of people’s minds in Scotland (especially of what may be stiled the Commonalty) is to be Religious [and] any thing therefore which shocks their opinions on that subject, they view with horror’. With ‘the late attempts ... in France against christianity’ fresh in mind, Lapslie reasoned, ‘I cannot help thinking if Government was as soon as possible to appoint a national Fast for the purpose of averting these horrid scenes of impiety ... which perverts the minds of the people in France, I presume it might be political wisdom to do so’.⁸⁹ The central authorities in London took up the suggestion, and several national fasts were subsequently held, the first in April the same year.⁹⁰ Other proposals that were put forward spanned a range of different issues, and they generally had little in common other than a wish to show loyalty and support for the government.

Many people were concerned about how the influence of radicals on the general public could be thwarted. One such was James Mathison, an accountant in Edinburgh, who, in November 1792, wrote to Henry Dundas pointing out that as many as seven out of eight of those who attended the meetings of the Friends of the People, were ‘Tradesmen and many of them Members of Incorporations’. Since the membership of these societies was increasing rapidly, Mathison thought that the best way of halting that expansion, and suppressing the movement, would be for the local authorities to call in the deacons or masters of the incorporations and to inform them that if any of their members continued to attend such illegal meetings, the consequence would be that ‘their Right as a Corporation would be withdrawn [*sic*]

⁸⁸ NAS, RH2/4/69, f. 321, Anonymous letter to Henry Dundas, Edinburgh, 13 February 1793 [original italics].

⁸⁹ NAS, RH2/4/73, ff. 268-73, Mr. Lapslie to Lord Advocate, Campsie, 6 December 1793

⁹⁰ *Caledonian Mercury*, 30 March 1793, ‘*DECLARATION, OF THE BISHOP AND SCOTCH EPISCOPAL CLERGY WITHIN THE DIOCESE OF ABERDEEN*’ [mentions that a National Fast has been appointed for 18 April].

and the liberty of working within the City or Burgh ... shall be laid open'.⁹¹ Such a timely use of intimidation, he reasoned, would be an effective way of putting a stop to the problem before it got completely out of hand. The merchants of St. Andrews devised a slightly different approach to the same problem later the same year. At a loyalist meeting called by the local magistrates of the town, they declared their intention 'not to employ any Tradesmen or other person whatever who discovers principles adverse to the spirit of our Resolutions', and since the meeting was intending to publish its declaration, this decision was a clear warning to any tradesman with radical sympathies to think twice about joining a radical society.⁹² A more positive suggestion – which appeared in the late summer of 1794 – was to institute parochial 'Friendly Societies' consisting primarily of ordinary workers, which would then 'act as a counter-balance in raising a party amongst the commons friendly to Government, in opposition to those who have been deluded by designing men, to join the societies calling themselves Friends of the People'.⁹³

The repeated harvest failures of the 1790s, with the consequent impact this could have on the lives and dispositions of ordinary people, prompted some Scots to suggest various means of preventing any wastage of flour. In July 1795, an editorial in the *Caledonian Mercury* warned that, 'any unnecessary consumption of grain, at such an alarming period as the present, one cannot help considering as highly reprehensible'. The 'unnecessary consumption' alluded to was the use of flour as 'hair-powder', that is, to powder and preserve wigs, and the editorial suggested that this practice should be placed under a temporary ban.⁹⁴ According to the newspaper's own estimates for the whole of Britain, by 'a total suppression of its use for three months, the surprising quantity of 46,867 hundred weight of choice wheat would be saved to the community!'⁹⁵ A slightly different, yet related, suggestion was inserted in *The Times* later the same year, and concerned the possibility of saving wheat by

⁹¹ NAS, RH2/4/65, ff. 19-20, James Mathison, Accountant in Edinburgh to Henry Dundas, Edinburgh 16 November 1792.

⁹² NAS, RH2/4/67, f. 508, Loyalist address by the inhabitants of St. Andrews, St. Andrews 28 December 1792.

⁹³ *Caledonian Mercury*, 25 September 1794, Article by 'A FRIEND OF ORDER'.

⁹⁴ The use of powdered wigs soon went out of fashion, which may indicate that – even if no ban was introduced – the views presented in this editorial must have gained a general following.

⁹⁵ *Caledonian Mercury*, 27 July 1795.

increasing the use of oatmeal for bread – in England as well as in Scotland. Probably written by a Scot living in London, the article stated that:

As much has been wrote upon the scarcity of wheat, and many methods have been proposed to prevent the unnecessary consumption of it, I beg leave to mention ... a mode, which though not common in England, yet has been practised in London to a pretty large extent, during the present scarcity. It is the using of oat meal, which is the common bread made use of in Scotland; and though it does not much accord with the feelings of an Englishman, it may vie with any other sort of grain either for being nutritious or healthy.

The London dwellers who had used oatmeal were not the poor people of the town, but ‘a great number of respectable Scotch families’ residing in the city, who ‘prompted by a laudable desire to mitigate the sufferings of their fellow subjects, have betaken themselves to the use of this kind of bread’.⁹⁶ Clearly, this was a Scottish example, which, it was suggested, Englishmen would do well to follow. Five years later, by contrast – during a period when there was a particular shortage of oatmeal – the Scots needed similar encouragement in order to be persuaded to exchange their traditional oats for wheat and barley. The Edinburgh authorities even found it necessary to issue a public address, assuring the inhabitants of their city that ‘wheat meal, mixed with one half of barley meal, makes most excellent food’, and encouraged them to ‘consume as little oat meal as possible, and to make wheat and barley meal their chief article of food’.⁹⁷ Later the same year, a meeting held by the local authorities in Midlothian even recommended ‘the general use of *rice* and Indian corn’, in order to reduce the consumption of oat meal.⁹⁸

In the wake of the naval mutinies of 1797 a number of Scots involved in merchant shipping requested some information from the authorities, which would enable them to take action on their own accord. A meeting held by the merchants, ship owners and ship masters in Leith resolved that a distinction ought be drawn ‘between Seamen who have done their duty to their King and Country, and those who have conducted themselves as enemies to both’. A good way of demonstrating this in practical terms, they suggested, would be for the Admiralty to issue:

⁹⁶ *The Times*, 29 Dec. 1795, ‘To the CONDUCTOR of the *TIMES*’, signed ‘J.M.’.

⁹⁷ *Caledonian Mercury*, 26 April 1800 [original italics].

⁹⁸ *Ibid.*, 29 Dec. 1800 [original italics].

a list of the names of such Seamen as are from this town and neighbourhood, and now on board the ships at the Nore, distinguishing such as have joined willingly in the mutiny from those who have been forced into the measure, but who have been early in returning to their duty, and active in advising or compelling others to do so.

This list should then be made ‘perfectly public’ so that the instigators of the mutiny could be identified, and excluded from any future employment in the merchant marine, unless they had ‘obtained his Majesty’s pardon’.⁹⁹ Similar resolutions were also issued in Kirkcaldy, Borrowstounness, the port of Ayr and the town and port of Irvine.¹⁰⁰

A few Scots also came up with suggestions which were perhaps as much aimed at their fellow countrymen, as at the government, but which none the less constituted clear policy-initiatives. An anonymous article printed in the *Caledonian Mercury* in late December 1792 sought to direct people’s attention to the possibility that radicals might manage to infiltrate the educational system, and questioned whether any ‘Seminaries of Education’ had so far given serious thought to ‘the very important object of guarding against the corruption of the minds of the rising generation’. If not, then they clearly should, the article argued, and it went on to ask the rhetorical question: ‘would it not be proper to warn parents and guardians of the danger to which their children and wards may be exposed, and to exhort all those whose duty it is to attend to their conduct, to examine carefully the state of their youthful minds concerning political opinions’?¹⁰¹ The damaging consequences of a failure to stop radicalism from poisoning impressionable young minds could hardly be overestimated. Earlier the same month, the members of the Grand Lodge of Freemasons in Scotland had inserted an article in the press in which they expressed

⁹⁹ *Caledonian Mercury*, 12 June 1795, ‘General Meeting of the Merchants, Ship-owner, Ship-masters, and other Inhabitants of the PORT of LEITH’, Leith, 8 June 1797.

¹⁰⁰ *Ibid.*, ‘Meeting of the Merchants, Ship-owners, Ship-masters, and other Inhabitants of the Port of KIRKALDY, County of Fife, North Britain’, Kirkaldy, 10 June 1797; *ibid.*, 15 June 1797, ‘General Meeting of the MERCHANTS, SHIP-OWNERS, SHIP-MASTERS, INSURERS, and others in Borrowstounness, concerned in Commerce and Navigation’, Borrowstounness, 13 June 1797; and *London Gazette*, 20-24 June 1797, ‘the Merchants, Ship Owners, and others, concerned in the Trade of the Port of Ayr’, and ‘the Merchants, Ship Owners and Ship Masters of the Town and Port of Irvine’.

¹⁰¹ *Caledonian Mercury*, 27 Dec. 1792, Article ‘TO THE PRINTER OF THE CALEDONIAN MERCURY’, by ‘A FRIEND To the Rising Generation’.

their 'highest displeasure' at news they had received 'that of late some Lodges have been Let for the purposes of *Political Association*' by those holding questionable principles. This use of lodge rooms they found to be '*unworthy*' of the purposes for which they had been 'originally intended', and they urged the various lodges to put an end to this practice.¹⁰² Shortly afterwards, the grand lodge received public support from the lodge of St. Elgin.¹⁰³ Finally, in February 1797, several newspaper editorials appeared, encouraging people to take up arms in defence of their country. The editor of the *Glasgow Courier* stated to his dismay, that:

While all ranks of people on the eastern coasts of Scotland are making every laudable preparation for effectually repelling the attack which, there is too much reason to fear, the French are meditating on this country, we cannot refrain from endeavouring to impress on the minds of our fellow-citizens, as well as of the other inhabitants of the Western Districts of Scotland, the urgent necessity of their immediately enrolling themselves to the use of arms. ... We cannot help thinking that the inhabitants of this part of the country are, in general, not sufficiently aware of their danger.¹⁰⁴

The editor of the *Caledonian Mercury*, however, was less impressed with the zeal displayed by people on the east coast, and consequently wrote an address to the inhabitants of Edinburgh. In this he encouraged more of them to join the Edinburgh Volunteer corps, so that the defences of the city could be strengthened at a time of national crisis and threat of invasion:

YOU are numbered at no less than 80,000, yet when your country is threatened with invasion, 900 only have armed in its defence, being little more than eleven out of every thousand ... Your forefathers would not have held it any hardship to have mustered upon emergency *every fighting man from 16 to 60*; and why should you, enjoying blessings far more secure and numerous, under the present laws than they could boast of under theirs, reluctantly comply with less.¹⁰⁵

¹⁰² *Edinburgh Advertiser*, 13-17 Dec. 1793, 'THE GRAND LODGE OF SCOTLAND', Edinburgh, 12 Dec. 1793 [original italics].

¹⁰³ *Ibid.*, 27-31 Dec. 1793.

¹⁰⁴ *Glasgow Courier*, 16 Feb. 1797.

¹⁰⁵ *Caledonian Mercury*, 20 Feb. 1797, 'ADDRESS TO THE INHABITANTS OF EDINBURGH' [original italics and capitals]. For a similar case, see: *Glasgow Courier*, 14 March 1797, 'TO THE LOYAL INHABITANTS OF EVERY DESCRIPTION, IN THE TOWN OF GREENOCK AND SUBURBS', by the Magistrates of Greenock.

Although the claims presented about former generations' readiness to fight may have been somewhat exaggerated, and the statement did not seem to take into account the unprecedented degree of volunteering for armed service that had taken place in 1794, the article was probably representative of the general mood at the time. There were not enough men under arms, and the invasion defences were inadequate. An imaginative solution to this problem had, however, already been presented by the manager of the 'Glasshouse' in Edinburgh, in a letter to the lord provost earlier the same month. 'Astonished', that at a time of 'general alarm' over the threat of invasion, 'nothing is doing to call forth the spirit and exertion of the people of this country at large, and to put them in a situation for acting with energy and effect in defence of every thing that is dear and valuable in life', the manager had made a few investigations among his own workforce, and found that 'though they express an aversion, and even dread the idea of being made soldiers ... they are to a man willing and anxious to be to be trained to arms, and would in that case most cheerfully come forward in defence of their King and Country'.¹⁰⁶ Thus, if the government made preparations to set up a more diversified system of defence, it would have an untapped resource to draw upon.¹⁰⁷

The argument that more Britons could be enlisted in the defence of their country, without thereby necessarily becoming soldiers, touched upon one of the crucial ways in which people demonstrated loyalty to the British state in the 1790s – that of offering *personal service*, which we will turn to in the next section.

V *State Service*

Whereas writing and sending a loyalist address to the king, providing the authorities with information about radicals, or suggesting policies which the government could pursue, arguably did not carry much 'cost' for those who stood behind such efforts, offering to serve the state in person undoubtedly did, and therefore constituted a greater demonstration of loyalty. Personal service did not necessarily mean military

¹⁰⁶ *Ibid.*, 13 Feb. 1797, Printed letter by Archd. Geddes, Edinburgh Glasshouse, Leith, 7 Feb. 1797.

¹⁰⁷ The Defence of the Realm Act of 1798 would, of course, provide for precisely such a system of defence. See: chapter 4, pp. 165-67.

service, but most often it did, as was the case for the best-known, and most widely publicised form of offering such service in this period – that of joining a volunteer corps.

Unlike the new fencible regiments – a few of which had been formed in 1793 – the volunteer corps arose in direct response to the government's 'Plan for an augmentation of the Forces for Internal Defence' in March 1794, and to some extent constituted an extension of the loyalist association movement which had been formed in late 1792.¹⁰⁸ One consequence of this was that offers to institute new volunteer corps, usually took the form of a loyalist resolution, expressing support for the government and a commitment to the British constitution, as well as a condemnation of Britain's enemies at home and abroad. The offer made by the inhabitants of Dumfries, for example, stated its signatories' 'sincere attachment' to the king and his government, their 'respect for the happy CONSTITUTION of GREAT BRITAIN', and a firm resolve to resist 'every attempt of the ambitious and turbulent, who threaten to overturn the Laws of our Country, and who, by *Anarchy, Sedition, and Bloodshed*, may endeavour to destroy the sacred Bonds of Society'.¹⁰⁹ During the second wave of volunteering in 1797, offers to form new or to augment old corps were still phrased as loyalist resolutions, but this time the emphasis was placed on the threat of a French invasion. As the resolution from the county of Wigton stated: 'the French nation, under its present tyrannical rulers ... have invaded, and are making avowed preparations to invade this kingdom', and this meant that all Britons now ought to offer their services for the defence of the country.¹¹⁰ The plan for internal defence did, however, provide for a few other ways in which people could do armed service, one of which was that of serving in fencible units.

Although a few of the leading Scottish noblemen had raised fencible forces in 1793, and a few private offers to do the same had been made the year before, the significant increase in the size of the force came only after the government had

¹⁰⁸ See: chapter 4 p. 154-55.

¹⁰⁹ NAS, GD224/628/3/7, 'OFFER OF SERVICE, by certain loyal inhabitants of the Town of Dumfries', undated, but followed by a set of 'RULES, REGULATIONS, and BYE-LAWS' for the established Corps, which is dated: 28 March 1795 [original italics and capitals].

¹¹⁰ *Caledonian Mercury*, 30 March 1797, 'General meeting of the County of Wigton', 22 March 1797.

issued its plan in 1794.¹¹¹ Now the expansion was based on offers from a number of towns and counties across Scotland. The majority of these offers proposed to raise ‘two troops of fencible cavalry’, but in a few counties, offers of three or more troops were made, though some of the smaller places only offered to raise one troop.¹¹² As was the case with volunteer corps, offers to raise fencible forces also tended to be framed as loyalist resolutions. A meeting in the county of Roxburgh, for example, resolved ‘that in the present conjuncture, when we are engaged in war with our old and implacable enemies ... it becomes our duty as well-disposed subjects, to evince, *by substantial offers*, our loyalty to our King, and our attachment to that happy Constitution’. It was therefore decided that ‘the landholders of the county of Roxburgh’ should ‘raise Two Troops of Fencible Cavalry’ in accordance with the third article of the plan for internal defence; similar decisions were reached in many other counties.¹¹³ In some cases it is not entirely clear which type of force the town or county was in fact offering to raise, and the vague wording of the Plan for an augmentation is partly responsible for this. The use of the word ‘volunteer’, both for the companies that were intended to augment the English militia and for the fencible cavalry in Scotland, but not – curiously enough – for those cavalry units which came to be referred to as ‘volunteer corps’, appears to have created a certain degree of confusion at some of the meetings that were held.¹¹⁴ In the county of Forfar, for

¹¹¹ In December 1792, for example, Andrew McDowall had offered to raise ‘a Corps of Fencibles’ in Galloway, to consist of between ‘two to five hundred men ... from amongst that Class of people I know to be true to the constitution, and attached to me’. NAS, RH2/4/67, f. 432, Andrew McDowall to Henry Dundas, Edinburgh, 19 December 1792. See also: NAS, RH2/4/66, f. 305, D. Macpherson to Henry Dundas, Downing Street No 20, 12 December 1792.

¹¹² A meeting of the local elite in Dumbarton offered to raise one troop, as did their peers in Linlithgow, whereas an offer of three troops was made in Perthshire, and a promise was made to raise a regiment of 1000 men in Orkney. See: *Edinburgh Evening Courant*, 10, 12 May and 22 November 1794, ‘meeting of the Noblemen, Gentlemen, Freeholders, Commissioners of Supply and Heritors of Dumbarton’, meeting in Linlithgow, and ‘Letters of service’ issued by Major Balfour, of the Orkney and Shetland fencibles; and *Caledonian Mercury*, 14 August 1794, ‘meeting of the Freeholders, Commissioners of Supply, Justices of the Peace and Heritors of Perthshire’.

¹¹³ *Caledonian Mercury*, 26 May 1794, ‘Meeting of the Justices of the Peace, Commissioners of Supply and Landholders of the County of Roxburgh’, Jedburgh, 15 April 1794 [original italics]; or *Edinburgh Evening Courant*, 26 May 1794. For other offers to raise fencible forces, see: *ibid.*, 24 March, 28 April, 5, 7 June, 2, 7, 14 August 1794; and *Edinburgh Evening Courant*, 28 April, 10, 12, 15, 26 May, 23 June 1794.

¹¹⁴ The term ‘volunteer corps’ was used about both infantry and cavalry units, and the first of these two was referred to as ‘Volunteer Companies’ in the second article of the Plan for Internal Defence, whereas the second was denoted as ‘other Bodies of Cavalry’ in the fourth article. For the provisions set out by the Plan for Internal Defence, see: chapter 4, pp. 154-55.

example, the local meeting resolved to offer a 'Fencible Infantry Corps' to go under the name of 'the Angus Volunteers',¹¹⁵ and there were several instances of offers to raise infantry troops, where no indication was given as to whether it was fencibles or volunteers the meeting was intending to raise.¹¹⁶ In other cases, offers were made to raise troops of 'light cavalry', a concept which was not even mentioned in the plan,¹¹⁷ whereas a meeting in the county of Inverness decided that – rather than raising any troops – it would:

make a voluntary offer to Government, of a sum equal in amount to the land tax assessed upon their several properties for the ensuing year, over and above the said assessment, as a free gift, to be employed for the internal defence of the kingdom, in any manner that to the wisdom of Government shall seem proper.¹¹⁸

Those who offered to raise fencible troops or light cavalry did not, however, necessarily intend to serve themselves, and in most cases, the decision to present an offer was primarily one of subscribing funds, whereby bounties – or 'levy-money' – might be given to those who wished to volunteer for service.¹¹⁹ The 53 attendants at the meeting in Roxburgh, for example, had subscribed a total of 1600 pounds by the time they adjourned, and to open a subscription in this manner appears to have been the normal practice. In most cases subscriptions would continue to be issued after the meeting had been held, so that those 'principal inhabitants' of the town or county who had not attended could still give their contributions.¹²⁰ The meeting of 'the

¹¹⁵ *Caledonian Mercury*, 7 August 1794.

¹¹⁶ See for example: *Caledonian Mercury*, 26, July, 'General Meeting of the Freeholders, Justices of the Peace, and other Heritors of the Shire of Ross', 15 July 1794; *ibid.*, 28 July 1794, meeting of the 'Noblemen, Freeholders, Justices of the Peace, Heritors, and Landowners of Argyleshire', Inveraray, 12 June, 1794; and *ibid.*, 9 August, 'Meeting at Jedburgh on the 17 of July, of the Noblemen, Gentlemen and Heritors of the County'.

¹¹⁷ The County of Midlothian, for example, offered to raise 'Two Troops of Light Cavalry'. *Edinburgh Evening Courant*, 29 March 1794, resolution by 'the County of Mid-Lothian', Edinburgh, 24 March 1794. For similar offers, see: *Caledonian Mercury*, 5 May, 25 Aug. 1794.

¹¹⁸ *Ibid.*, 15 May 1794, 'General Meeting of the Commissioners of Supply, Justices of the Peace, Freeholders and other Heritors of the County of Inverness'.

¹¹⁹ One exception from this rule was 'the good and Loyal People of Abertarph' in the Highlands, almost all of whom offered 'either a Son or a Friend' for the Fencible Regiment that was in the process of being raised there. NAS, RH2/4/212, f. 255, James Fowler to 'Sir' [Henry Dundas], Fort Augustus, 18 March, 1797.

¹²⁰ These subscriptions were invariably aimed at the wealthier inhabitants of the towns and counties, and there appears to have been an underlying agreement that this specific burden should be carried by the local elites, and not be passed on to ordinary people. The attendants at the meeting convened for the county of Ayr, for example, agreed to 'assess themselves in sixpence in the pound Scots of their

Landholders in the County of Edinburgh', however, probably went further than most when it decided to send out letters to those landowners who had been absent, 'informing' them that a decision had been made to 'raise two Troops of Fencible Cavalry, by a voluntary contribution of a Sum equal to eighteen Months Land tax'.¹²¹ Forty-five landowners responded, of whom only two raised objections, on the grounds that they had already contributed substantially to the defence of the country.¹²² Occasionally, the funds thus raised through subscriptions far exceeded the sum required for the specific number of bounties that needed to be issued and, in these cases, the usual practice was to make an offer to raise more troops. The county of Lanark, for example, having first offered to raise two troops of fencible cavalry, later resolved to increase this offer to four troops.¹²³ The many offers of this kind that were made in 1794 were, perhaps, as much a matter of demonstrating loyalty to the state by giving *financial* support to the government, as of offering *personal service*. We will return to the issue of financial support below, but for the moment, it needs to be stressed that there *were* many Scots who offered their personal service to the authorities, without that necessarily implying either to join a volunteer corps, or a fencible regiment.

One particularly celebrated case was the offer made by a group of fishermen in Newhaven in November 1796. Having observed 'from the debates in Parliament, and general rumour, that our enemies threaten an actual invasion of Great Britain', the Newhaven fishermen decided to offer their services to crew gunboats stationed on the east coast of Scotland. They restricted their initial offer to 'the station' going from Redhead to St Abb's Head, but agreed 'that in any very pressing situation we may go further, if necessity urges'. A total of 59 volunteers signed the resolution they issued, which must have included most of the men in this fishing village, since

valued rent, with which no tenant under any pretence, is to be charged'. *Caledonian Mercury*, 14 April 1794.

¹²¹ NAS, GD385/21/4, Alex Marjoribanks to James Clerk Esq. Sheriff, Balbardie, 23 April 1794.

¹²² NAS, GD385/21/5-6, no. 8-49. Henry Trotter in Edinburgh objected because his brother had 'already paid for the whole valuation of his Estate including that part whereof I am temporary superior', and John Stewart in East Craiges complained that it had already cost him '£1000 to send My Son to Gordon the 26 Regt. where He has Lost Every Shilling He had, in the world', and he therefore thought it unreasonable that he should have to contribute even more. No: 15, Henry Trotter Esq. to James Clerk Esq. Sheriff, Edinburgh, 9 April 1794; and no: 41, John Stewart to James Clerk Esq. Sheriff, East Craiges, 3 April 1794.

¹²³ *Edinburgh Evening Courant*, 28 April and 15 May 1794.

the list included a number of fathers, sons, and brothers; the youngest of these volunteers was 15 years old.¹²⁴ Very soon after the fishermen had presented their offer, the Duke of Buccleuch called a meeting of all the gentlemen of Midlothian, which praised the Newhaven men for their initiative, and resolved to present them with a medal 'as a mark of the sense the County entertained of their bravery and public spirit'.¹²⁵ The fishermen of Fisherrow and Mussleburgh subsequently made similar offers, for which they were also presented with a medal from their local authorities.¹²⁶ Unlike most of those who joined volunteer corps in the 1790s, the fishermen in Newhaven also had a chance to demonstrate that they were prepared to adhere to their commitments, when – in late October 1798 – rumours of a French invasion fleet heading up the Firth of Forth, led to the activation of the local coastal defences. The Newhaven men responded by manning their gun-boats 'with great cheerfulness',¹²⁷ and for this admirable demonstration of loyalty, they were later rewarded with 'a plentiful repast' by the lord provost and magistrates of Edinburgh.¹²⁸ Naval protection of the Forth, and of Edinburgh in particular, remained a very specific issue, however, and there are few, if any, indications that similar offers were made elsewhere.

Of more wide-ranging consequences were the offers made by many members of the local elites to serve as part-time constables in their local town or village. The initiative to volunteer for this kind of service had probably originated in Edinburgh, where a 'Society of Constables' was already in existence by the beginning of 1794. Aimed chiefly at policing the streets of the city, and maintaining law and order, these constables came close to resembling a police force, and were mustered on occasions when unrest was expected. A prominent occasion for this was the day of Maurice Margarot's trial, when the constables were called out in the morning, 'in order to prevent any disturbance that might happen'.¹²⁹ Those who volunteered for this type

¹²⁴ *Caledonian Mercury*, 17 Nov. 1796, 'NATIONAL DEFENCE', Newhaven, 12 Nov. 1796; or *The Times*, 17 Nov. 1796.

¹²⁵ *Ibid.*, 24 Nov. 1796, 'From the MINUTES of the MEETING of the JUSTICES of the PEACE and HERITORS of MID-LOTHIAN', Edinburgh, 21 Nov. 1796.

¹²⁶ *Ibid.*, 10 Dec. 1796, 'NATIONAL DEFENCE AGAINST INVASION. TO THE HON. MAGISTRATES OF MUSSLEBURGH'.

¹²⁷ *Ibid.*, 25 Oct. 1798.

¹²⁸ *Ibid.*, 8 Nov. 1798.

¹²⁹ *Caledonian Mercury*, 13 Jan. 1794.

of service in Edinburgh were undoubtedly also very satisfied with the task they were performing, since, in February 1794, they requested ‘that such of the Society as are entitled to retire, be permitted [to] continue their services for another year’, to which the Edinburgh authorities gave their approval.¹³⁰ The popularity of this service was further underlined in late May the same year, when upwards of 500 ‘of the most respectable inhabitants’ of the city voluntarily enrolled themselves to serve as extraordinary constables,¹³¹ possibly in response to the recently discovered ‘Pike Plot’.¹³² Following the Edinburgh initiative, similar units of constables were subsequently formed elsewhere. The Heritors of Kinross called a meeting in the beginning of August, where they decided to offer their services to the lord lieutenant of the county ‘to serve in case of emergency ... as assistant Constables’.¹³³ Some 120 inhabitants in Leith had enrolled themselves as constables by September,¹³⁴ and some 96 named individuals in the county of Mid-Lothian had stepped forward to take on ‘the office of Extraordinary Constables’ at a meeting held in Dalkeith.¹³⁵ From the western part of the Lowlands it was reported that ‘a considerable number of gentlemen of Glasgow have enrolled themselves as constables, or peace officers, for assisting the civil power, in suppressing riots and disturbances’,¹³⁶ and that a plan had been devised to establish ‘extraordinary Peace Officers’ in Paisley, due to be equipped in a similar fashion to the constables in Edinburgh.¹³⁷ In Aberdeen, ‘a number of gentlemen who, from particular circumstances, are prevented [from] entering as Volunteers’, had stepped forward and ‘offered to serve the office of Constable’.¹³⁸ Once established the service appears to have remained both useful for the authorities, and popular with those who served, because constables continued to be deployed at times of popular unrest – most notably during the Militia riots in

¹³⁰ *Ibid.*, 20 Feb. 1794.

¹³¹ *Edinburgh Evening Courant*, 31 May 1794. See also: *Caledonian Mercury*, 5, 7 June 1794.

¹³² Emma Vincent Macleod, ‘A city invincible? Edinburgh and the war against Revolutionary France’, *British Journal of Eighteenth-Century Studies*, 23 (2000), 155.

¹³³ *Caledonian Mercury*, 7 Aug. 1794, ‘Meeting of Freeholders, Justices of the Peace, Commissioners of Supply and other Heritors of the County of Kinross’, 1 August 1794; or *Edinburgh Evening Courant*, 7 Aug. 1794.

¹³⁴ *Caledonian Mercury*, 18 Sept. 1794.

¹³⁵ *Ibid.*, 8 Nov. 1794, ‘Meeting on the Justices of Peace of the County of Midlothian’, Dalkeith, 6 Nov.; and *ibid.*, 15 Nov. 1794. See also: *Edinburgh Evening Courant*, 8 Nov. 1794.

¹³⁶ *Ibid.*, 20 Oct. 1794.

¹³⁷ *Caledonian Mercury*, 10 Nov. 1794.

¹³⁸ *Ibid.*, 27 Nov. 1794.

1797, when they were called out to support the local schoolmasters drawing up the lots of those eligible to be drafted.¹³⁹ Moreover, an entirely new unit of 'Special Constables' was raised in Lanarkshire as late as in December 1800, 'in order to assist the Magistrates in more effectually preventing tumults, and illegal practices'. These special constables were to be recruited 'from amongst the Farmers and most respectable inhabitants of the County'.¹⁴⁰

Of potentially greater significance for the war effort, however, were the many offers made by farmers and tenants in early 1797, whereby they volunteered to place their 'carts and horses' at the disposal of the government in the event of an invasion. Precisely where, and with whom, the idea behind this initiative originated is not entirely clear, but it probably preceded Alexander Dirom's defence plan – which was published the same year – and therefore also the Defence of the Realm Act of 1798.¹⁴¹ One of the very first offers to be made came from 'a number of farmers in the vicinity of Edinburgh', who on 6 January had 'come forward with their horses and carts to assist Government without any expence, to convey troops, baggage, &c. to where their services may be wanted ... in case of Invasion'.¹⁴² The idea was clearly to employ civilian resources in the defence of the country by offering logistical support for the military – much as it would later be set out in the provisions for 'driving the country' in the Defence of the Realm Act of 1798. Since these offers were presented before the government had devised its own defence plan, it is likely that Pitt and his ministers drew inspiration from them. At the same time as the farmers around Edinburgh had made their offer, a meeting of the members of the Dalkeith Farmer Society declared that 'they will individually and collectively have in readiness a Man and a Pair of Horses, with one or two Carts ... for each ploughgate of land in their possession' for the purpose of 'conveying Troops, Baggage, &c, through the county of Mid Lothian ... in the event of an Invasion taking place in any part of Great Britain',¹⁴³ and shortly after, 'a number of Farmers in the eastern

¹³⁹ *Ibid.*, 4, 7 Sept. 1797. The Edinburgh constables, for example, were later sent in to assist in the quelling of a grain riot in the city in late April 1800. *Ibid.*, 1 May 1800.

¹⁴⁰ *Ibid.*, 8 Dec. 1800, 'Meeting of the Noblemen, Gentlemen, Freeholders, Justices of the Peace, Commissioners of Supply, Clergy and Heritors of the County of Lanark', Hamilton, 2 Dec. 1800.

¹⁴¹ See: chapter 4, pp. 165-67.

¹⁴² *Glasgow Courier*, 7 Jan. 1797.

¹⁴³ *Caledonian Mercury*, 12 Jan. 1797.

district of East Lothian' reached a similar decision at a meeting held at Dunbar.¹⁴⁴ These proposals soon caught on elsewhere in Scotland and the number of individual offers that were made eventually ran into double figures. Some of these offers were also quite substantial in terms of the total number of carts and horses that were being placed at the disposal of the authorities. The farmers in the parish of Kilmalcolm east of Glasgow 'agreed to furnish above one hundred carts and horses to convey troops and baggage',¹⁴⁵ those of 'the village and parish of Auchterarder in Perthshire' 80,¹⁴⁶ the 'Heritors, Farmers and others' of the parish of New Monkland promised to offer 180 carts in the case of invasion, with the possibility of augmenting this number,¹⁴⁷ and it was suggested that the parish of Lesmahagow in Lanarkshire would be able to supply up to 500 carts and horses if necessary.¹⁴⁸ At the county level, the number of carts and horses offered in East Lothian continued to rise after the first meeting, and stood at 500 by the middle of February 1797.¹⁴⁹ By the beginning March, it had increased even further, and it was reported that 'the list of double horse carts now signed for by the farmers and others in this county ... exceeds eight hundred, besides single horse carts'.¹⁵⁰ The farmers on the Earl of Aberdeen's estates in the county of Aberdeen were able to muster an even higher number. 1200 carts were their estimate, and twice the number of horses.¹⁵¹

Of those who offered their carts and horses to be used for military purposes in this manner, the majority belonged to one of two social categories. They were either farmers – such as those referred to above – or tenants working on the estates of a large landowner. A few offers were also made by others such as the postmasters in Edinburgh – who resolved to put their professional 'Carriages and Horses' at the disposal of the government – and the company 'Thomas Jamieson & Son' in Leith, but these remained exceptions.¹⁵² The first tenants to make an offer, were those on the Earl of Kinnoull's estates in Perthshire, who wrote a loyalist address on 17

¹⁴⁴ *Ibid.*, 14 Jan. 1797; or *Glasgow Courier*, 26 Jan., meeting at Dunbar, 12 Jan. 1797.

¹⁴⁵ *Glasgow Courier*, 18 March 1797.

¹⁴⁶ *Ibid.*, 23 March 1797.

¹⁴⁷ *Ibid.*, 2 March 1797.

¹⁴⁸ *Ibid.*, 23 Feb. 1797; and *Caledonian Mercury*, 25 Feb. 1797.

¹⁴⁹ *Caledonian Mercury*, 16 Feb. 1797.

¹⁵⁰ *Glasgow Courier*, 9 March 1797.

¹⁵¹ *Caledonian Mercury*, 13 April 1797.

¹⁵² *Ibid.*, 25, 27 Feb. 1797

January 1797, in which they offered ‘50 One Horse Carriages & 129 Two Horse Carriages’.¹⁵³ Similar offers were made by the tenants at General Campbell’s estates in Perthshire,¹⁵⁴ at ‘Lord Blantyre’s estate in the counties of East Lothian, Renfrew, Dumbarton, &c’, by the Duke of Montrose’s tenants in Perth, Stirling and Dumbarton,¹⁵⁵ and by the ‘feuars and tenants on the Estate of Tillicoultry’ in the county of Clackmannan,¹⁵⁶ From the parish of Renfrew it was also reported that ‘every person ... having horses (except two tenants and a distiller) has offered them to Government’.¹⁵⁷

In the case of the tenants in particular, one might legitimately ask whether they were likely to have been placed under any kind of pressure from their superiors before they made these offers. Since the local elites generally seem to have approved of these initiatives, they could have used their influence to intimidate their tenants into making ‘voluntary’ offers. While this may be difficult to determine in many or even most cases, the evidence that has survived indicates that it was not the case. The Earl of Kinnoull himself revealed in a letter to the Home Secretary that he had had no hand in the offer from his tenants, although he admitted to ‘feeling a Pride & Satisfaction that it comes from those so nearly committed with me’. His tenants, he wrote, had held a ‘Voluntary Meeting’ without his knowledge, at which they had decided to offer ‘their Services of Carriages & Horses free from expence to Government’.¹⁵⁸ The offer made by Kinnoull’s tenant was, of course, an early one, and may not have been representative of those made by other tenants later on, but, in the absence of any clear evidence of intimidation in those cases, the impression that remains is one of a genuine demonstration of loyalty to the government. Presenting the authorities with an offer of carts and horses did not, however, necessarily imply personal service on the part of those who offered to supply these means of

¹⁵³ NAS, RH2/4/80, f. 19, Address by ‘the Tenants of the Earl of Kinnoull’, Dupptir Castle, 17 January 1797. See also: *Glasgow Courier*, 26 January 1797.

¹⁵⁴ *Ibid.*, 9 March; and *Caledonian Mercury*, 25 February 1797.

¹⁵⁵ *Ibid.*, 16 March 1797.

¹⁵⁶ *Glasgow Courier*, 23 March 1797.

¹⁵⁷ *Caledonian Mercury*, 25 Feb. 1797.

¹⁵⁸ NAS, RH2/4/80, ff. 17-18, Drummond Hay Kinnoull to the Duke of Portland, London, 26 January 1797. See also: *ibid.*, f. 20, George Keir to ‘My Lord’, Dupptir Castle 20 January 1797 [George Keir was the Earl of Kinnoull’s ‘Factor at Dupptir’, and the letter was probably written to the Duke of Portland.].

transportation. In quite a few cases, the offer was not just of carts and horses, but also included servants¹⁵⁹ – and this was probably with the intention that *they* would be driving the carts – yet, in those cases where servants were not included in the offer, there were no indications that the farmers or tenants were prepared to do the driving job themselves.¹⁶⁰ As a demonstration of loyalty, offering carts and horses to the government therefore came closer to being a financial, or material contribution to the war effort, than one of personal service, and it is the financial aspect of loyalism that we will turn to in the next section.¹⁶¹

VI *Financial Support*

Rather than offer their personal service to the government or give material assistance such as carts and horses, many Scots volunteered instead to provide funds in support of the war effort or for war-related purposes. These financial contributions could be offered for a number of reasons and were given by a wide range of people, but most contributions were either a subscription, or to a bounty-offer.

The most widely adopted method of making a voluntary financial contribution in the 1790s was that of opening a subscription. We have already seen how subscriptions constituted the first step in the process of raising a volunteer corps, to man fencible regiments, as well as to provide substitutes for the new militia force in 1797, but subscriptions were also begun for other reasons.¹⁶² It is only in these cases that they took the form of a more concerted ‘campaign’, aimed primarily at raising funds. Although these campaigns could be initiated for a variety of reasons, they usually came in response to a specific event in the war and responded to a specific problem.

¹⁵⁹ The tenants, and sub-tenants on the Estates of Charles Gordon of Wardhouse, for example, offered ‘what horses, carts, and servants we have, for the purpose of carrying troops and military stores’. *Caledonian Mercury*, 20 March 1797.

¹⁶⁰ In some cases – such as with the farmers on the Earl of Aberdeen’s estates – those who offered carts and horses also offered ‘to be trained to the use of arms’, but these two offers were independent of each other.

¹⁶¹ For offers which have not been referred to above, see: NAS, RH2/4/212, f. 255; *Caledonian Mercury*, 21, 28 Jan., 4, 11, 18, 23, 27 Feb., 16 March, and 13, 15 April 1797; and *Glasgow Courier*, 28 January, 7, 18, 25, 28 Feb., 18 March and 19 Sept. 1797.

¹⁶² See: chapter 4.

As far as the initiating of new campaigns was concerned, Edinburgh seems to have taken a leading role in Scotland. One of the very first subscriptions to be opened was begun there in early October 1793, and concerned the British army in Flanders. It had come to public attention that the British soldiers fighting in the Low Countries had insufficient clothing for the coming winter in what was held to be a 'cold and damp country', and a subscription was consequently initiated to procure 'flannel waistcoats' for the soldiers, whereby it was hoped that 'the lives of many brave men' might be saved.¹⁶³ The campaign went on for four months until the end of February the next year, by which time over £1600 had been raised through the subscriptions of between 600 and 700 people in the city.¹⁶⁴ The lists of new subscribers – which the organisers of the campaign published in the press on a regular basis – included not only the amounts given by each and every individual donor, but also their professions. A closer examination of these lists reveals that the subscribers came from a cross-section of society, although with a certain degree of bias towards wealthier people. Typically, there would be larger sums – in the area of £5 to £30 – subscribed by establishment figures such as noblemen, merchants, magistrates, and advocates, whereas smaller sums, often less than a pound, would be contributed by various kinds of craftsmen and artisans, and sometimes even by labourers. The variety of professions and occupations represented can be seen from a list published in the middle of November, which showed that subscriptions had come from a clerk in the Post-office, a writer to the signet, a family in Fifeshire, an advocate, an accountant, a coppersmith, a farmer, a baker and 'a week's earnings from a Poor Woman, the Mother of a Soldier serving in Flanders'.¹⁶⁵ The Edinburgh initiative was soon imitated elsewhere in Scotland,¹⁶⁶ and had also been noticed as far away as in London, where a meeting held at the Crown and Anchor Tavern in

¹⁶³ *Edinburgh Evening Courant*, 24 Oct. 1793.

¹⁶⁴ *Ibid.*, 24 Feb. 1794.

¹⁶⁵ *Ibid.*, 14 Nov. 1793. Contributions to subscriptions were also given by institutions, organisations and military units, such as the soldiers and officers of the Strathspey Fencible Regiment, who resolved to contribute 'a day's pay to furnish flannel vests to their brother soldiers in Flanders'. *Ibid.*, 9 Nov. 1793.

¹⁶⁶ Evidence on this is scarce, but a notice printed in Nov. 1794, stated that the example given by Edinburgh, 'was followed with great zeal throughout the kingdom'. *Caledonian Mercury*, 10 Nov. 1794. Linda Colley has argued that campaigns to provide warm clothing for British troops were begun in 'all parts of the country' shortly after the outbreak of war in 1793, and that women took a leading role in these. Linda Colley, *Britons: Forging the Nation 1707-1837* (London, 1996), p. 274.

November 1793 had resolved to open a new subscription, aimed at providing 'worsted stockings and flannel caps' for the British troops fighting on the continent. This new campaign drew its inspiration from, and was due to be modelled on, 'the Contribution set on foot by a Committee at Edinburgh for the purchase of Flannel Waistcoats'.¹⁶⁷ One year later, an attempt was made to renew the now lapsed subscription in Edinburgh on the grounds that the soldiers, who had been 'cloathed and nourished' in their success, should not now be neglected 'in their misfortunes', but there is little evidence to suggest that this second campaign was as successful as the first.¹⁶⁸

To an extent, the 'flannel waistcoats' subscription of 1793-94 set a standard for the campaigns that were to follow. The majority of subsequent subscriptions were also highly publicised affairs, where a running total of the funds that had been collected at any given time – together with lists of new subscribers – were published in the press on a regular basis. Most of these subscriptions were also opened in response to a specific event in the war, and the social composition of those who contributed funds was largely similar to that of the first Edinburgh campaign. Nevertheless, most of them differed in one crucial respect. Rather than being aimed at supporting British forces abroad, they were concerned with the domestic consequences of war, and with helping people at home in Britain. The first of these campaigns was begun a few weeks after Lord Howe's victory over the French fleet in the battle of the 'Glorious first of June' in 1794, and was intended to raise funds for the 'relief of the Sailors, Mariners, or others on board Lord Howe's fleet, disabled during the late gallant action, and for relief of the Widows and Children of Sufferers on that occasion'.¹⁶⁹ One week later, sufficient funds had already been collected to enable the organisers to print notices, giving instructions on how those who were eligible for support could lodge their claims.¹⁷⁰ Although begun in Edinburgh, the subscription attracted contributions from other places as well, such as the counties of Fife and Stirling,¹⁷¹ whereas Aberdeen started its own separate campaign, which

¹⁶⁷ *The Times*, 13 Nov. 1793, 'CROWN and ANCHOR TAVERN, STRAND', 11 Nov. 1793.

¹⁶⁸ *Edinburgh Evening Courant*, 8 Nov. 1794.

¹⁶⁹ *Ibid.*, 16 June 1794. For more information about the battle, see: Christie, *Wars and Revolutions*, p. 233; and John Ehrman, *The Younger Pitt*, ii: *The Reluctant Transition* (London, 1983), 349-50.

¹⁷⁰ *Edinburgh Evening Courant.*, 23 June 1794.

¹⁷¹ *Ibid.*, 30 June, 3 July 1794.

raised more than £400 by the middle of July.¹⁷² One of the more original contributions to the Edinburgh subscription came from the Edinburgh Musical Society, which decided to give a concert ‘for the benefit of the sufferers in Lord Howe’s fleet’ on 8 July,¹⁷³ and, by the end of that month, a total of £1324 had been collected.¹⁷⁴ This appears to have been sufficient for the Edinburgh-area, since funds from the campaign were now being directed to other purposes, but a new subscription was nevertheless opened in nearby Leith only a few weeks later.¹⁷⁵ A more general ‘Ladies Subscription for the relief of the Widows and Children of Soldiers and Seamen’ was reported to have collected over £400 by the end of June 1793.¹⁷⁶

Similar subscriptions were also initiated after the two subsequent naval victories at Camperdown in 1797, and the Nile in 1798. A campaign to provide financial support for the ‘Widows and Families of our Countrymen who lost their lives’ in the battle against the Dutch fleet in 1797 ran from late October the same year,¹⁷⁷ until it was officially closed in mid-January 1798.¹⁷⁸ By then a total of £3143 had been collected from subscribers who included many military units such as the Dundee Volunteer Corps, the North Fencible Regiment, the Duke of York’s Royal Fencible Highlanders, the Reay Fencibles, as well as the Presbytery of Leith, and Lord Adam Gordon.¹⁷⁹ A subscription to provide relief for the families and relatives of the sailors who died in the battle of the Nile was opened by the local authorities in Edinburgh on 11 October the same year,¹⁸⁰ and over £700 had been collected within two months.¹⁸¹ Subscriptions were, however, also opened for other reasons than to provide support for those who suffered as a consequence of naval battles, and they were in some instances of a more local orientation and conducted on a significantly smaller scale.

¹⁷² *Caledonian Mercury*, 14 July 1794.

¹⁷³ *Edinburgh Evening Courant*, 28 June 1794.

¹⁷⁴ *Caledonian Mercury*, 31 July 1794.

¹⁷⁵ *Ibid.*, 16 Aug. 1794.

¹⁷⁶ *Edinburgh Advertiser*, 18-21 June 1793.

¹⁷⁷ *Caledonian Mercury*, 28 Oct. 1797.

¹⁷⁸ *Ibid.*, 13 Jan. 1798.

¹⁷⁹ *Glasgow Courier*, 4, 14 and 18 Nov. 1797.

¹⁸⁰ *Caledonian Mercury*, 13 Oct. 1798.

¹⁸¹ *Ibid.*, 10 Dec. 1798.

In mid-November 1793 it was reported that a number of the inhabitants in Edinburgh – ‘sensible of the great utility of the EDINBURGH VOLUNTEERS, and wishing to assist this Corps in defraying a part of their necessary expences’ – had come together and subscribed over £300 for this purpose,¹⁸² an example which was later followed by the clergy in the city.¹⁸³ A subscription was opened in Edinburgh in March 1796 to provide for the widow and children of a sailor who had been killed onboard a merchant vessel in an engagement with a French privateer. The officers and crew of the ship had immediately subscribed 15 guineas, and it was expected that their example would be followed by others in the city, since ‘a defect in charitable contributions ... is not one of the vices of the present age, or of the city of Edinburgh’.¹⁸⁴ The magistrates and council of the burgh of Irvine were reported to have given 100 guineas to a fund which had been set up for the purpose of ‘carrying on the war’,¹⁸⁵ and a campaign aimed at providing relief for the ‘Wives and Families’ of British soldiers serving with the army in Holland was begun in November 1799,¹⁸⁶ and ran until the end of that year.¹⁸⁷ Lastly, a meeting held by the local elite in Lanarkshire in December 1800, had subscribed £9000 ‘for the purpose of purchasing from the merchants, such quantities of grain as may be necessary for the regular supply of the inhabitants of this county’ during the prevailing scarcity of food, which had been caused by the harvest failure of 1799.¹⁸⁸ Although these subscriptions undoubtedly were varied and imaginative, and in some cases also raised significant amounts of money, they were none the less completely dwarfed by the ‘Voluntary Contributions’-campaign – which the government initiated in early 1798 – and this was the case both in terms of the funds that were collected and the number of people who subscribed.

¹⁸² *Edinburgh Evening Courant*, 15 Nov., 13 Dec. 1793 [original capitals].

¹⁸³ In September 1794, it was reported that ‘the Clergy of Edinburgh have subscribed 50 l. towards the fund for defraying the extra expence attending the laudable institution of the Edinburgh Volunteers’. *Caledonian Mercury*, 18 Sept. 1794.

¹⁸⁴ *Ibid.*, 3 March 1796.

¹⁸⁵ NAS, RH2/4/83, f. 120, Eglinton Provost to the Duke of Portland, Coilsfield, 8 Feb. 1798.

¹⁸⁶ This time, the initiative to the subscription was taken in London, and then copied in Edinburgh. *Caledonian Mercury*, 7 Nov. 1799.

¹⁸⁷ The subscription was due to be closed on 31 December. No total figure was given of the funds that had been collected. *Ibid.*, 26 Dec. 1799.

¹⁸⁸ *Ibid.*, 8 Dec. 1800, ‘Meeting of the Noblemen, Gentlemen, Freeholders, Justices of the Peace, Commissioners of Supply, Clergy and Heritors of the County of Lanark’, Town Hall of Hamilton, 2 December 1800.

The voluntary contributions were as successful in Scotland, as in the whole of Great Britain, and they laid the foundation for all the subsequent national subscriptions which were conducted in Britain in the early nineteenth century.¹⁸⁹ Lists of new subscribers – together with the amounts they had contributed – were again published regularly in the Scottish press for the whole duration of the subscription, which lasted from early February until it was officially closed on 1 December 1798.¹⁹⁰ Among the Scottish newspapers, the *Caledonian Mercury*, for example, printed lists throughout the whole of this period, and with the number of individual subscribers averaging about 200 in each single issue, the final number of people giving voluntary contributions must have run into many thousands.¹⁹¹ Although no running total appears to have been kept for the whole of Scotland, the majority of those who gave seem to have contributed in accordance to their means, and this – together with the sheer number of contributions – indicates that the sums collected must have been very significant indeed. Furthermore, a running total *was* kept for Edinburgh, at least for a while, and by the end of April 1798, a total of £69,743 had been collected in the city – a sum which amounted to more than half the net Scottish customs revenues of the previous year.¹⁹²

In the early months of the campaign, the subscribers were largely those at whom the government had set its primary aim – the wealthier section of society. Gradually, however, more and more ordinary people also gave their contributions, in accordance with the official encouragement they had received. The response from the public must have been largely in line with government hopes, and was also similar to earlier subscription campaigns. Larger contributions were again principally given by the local elite of a town or county, such as the gentlemen of Dumfries who gave in excess of £3000,¹⁹³ by establishment figures such as Robert Dundas, who subscribed £800 out of his own pocket,¹⁹⁴ by prestigious institutions, among which

¹⁸⁹ Cookson, *Armed Nation*, pp. 216-17.

¹⁹⁰ *Caledonian Mercury*, 29 Nov. 1798 [notice that the subscription will be closed on 1 December].

¹⁹¹ The *Caledonian Mercury* normally came out every second day.

¹⁹² *Caledonian Mercury*, 26 April 1798. For a table on Scottish customs revenues in the 1790s, see: Appendix: H.

¹⁹³ *Ibid.*, 17 March 1798.

¹⁹⁴ *Ibid.*, 20 Aug. 1798.

the Faculty of Advocates stood out by its conspicuous donation of £2000,¹⁹⁵ or by military units, of which the Grantown Strathspey Volunteer Company was an example. They had decided by a unanimous vote to contribute ‘fourteen days pay ... to the defence of the state’.¹⁹⁶ Lady Arniston, Henry Dundas’s mother, initiated a separate ‘Ladies Subscription’ in Edinburgh, because she believed that when ‘the whole property of the country is at stake, it makes no difference, in, a rational point of view, whether that property is built by male or female hands’, and that ‘the contributions of individuals, of either sex, ought to be in the due proportion to their fortunes’.¹⁹⁷ The example thus set by the elite of society was then imitated by less wealthy and even quite poor people who came forward to contribute smaller amounts. In the parish of Wemyss, for example, a total of £57 was given by 84 of the local inhabitants, of whom 24 were denoted as labourers, 14 as weavers and the remaining 46 as different kinds of artisans, mostly shoemakers and tailors.¹⁹⁸ Above 370 of the inhabitants in the parish of Longside in Aberdeenshire had together subscribed £97, and it was held that ‘almost every family except the inrolled poor’ had given their contributions.¹⁹⁹ The lists of subscribers to the scheme occasionally included people of such limited means as servants. Those employed by the Arniston family had made their contribution about the same time as their master, Robert Dundas, and the list of names that was published, included ‘four servant maids’ who had given ‘half-a-crown each’.²⁰⁰ In March a number of Catholics residing in Edinburgh decided to step forward as a group and offer their contributions, and they only regretted that ‘the small ness of their numbers, and, the narrowness of their circumstances, do not permit them to assist their Country in the manner they would wish’. A total of £21 had been collected from 30 subscribers, who included such varied professions and occupations as: clergyman, grocer, shoe-maker, wright, porter, weather-glass maker, spirit-dealer, silver-smith, clock-maker, smith, merchant, accountant, servant maid, printer, writer, door-keeper, excise officer,

¹⁹⁵ NAS, RH2/4/83, f. 118, Resolution by the Faculty of Advocates, Edinburgh 6 February 1798.

¹⁹⁶ *Caledonian Mercury*, 12 March 1798.

¹⁹⁷ *Ibid.*, 26 Feb. 1798.

¹⁹⁸ *Ibid.*, 2 June 1798.

¹⁹⁹ *Ibid.*, 2 Aug. 1798.

²⁰⁰ *Ibid.*, 20 Aug. 1798.

glass-cutter, servant man, mason and ‘a poor woman’.²⁰¹ The employees at the Carron Shipping Company followed a similar procedure, by also stepping forward to give their contributions as a group,²⁰² and the workmen at the Duntocher Mill in Dumbartonshire declared that they would ‘not only contribute their money, but give their personal service in any part of the country, if our cruel enemies should have the temerity to set foot in our happy country’.²⁰³

Although the sums contributed by the wealthier subscribers undoubtedly made up the lion’s share of the funds collected in all the subscription campaigns of the 1790s – partly because their individual contributions were significantly larger than those given by subscribers of lesser means, and partly because in most cases there were more of them giving money – it did not thereby follow that theirs represented the greatest sacrifice. We have already mentioned how the wealthier sections of British society probably had more to lose than most ordinary people by not supporting the existing political regime. It is also clear, however, that many artisans and workers gave sums that must have been very significant for them, even if they were not very notable in absolute terms. Many ordinary people may well have been placed under a certain degree of pressure contribute, particularly to the ‘voluntary contribution’, but the financial support given by poorer people cannot be dismissed as merely a product of intimidation. The ‘Poor Woman’ who had given up one week’s wages to the flannel waistcoats-subscription is perhaps as good an example as any that ordinary Scots – who had little or no direct stake in the British state – were prepared to make sacrifices in its defence when it seemed to be of some direct relevance to their own lives.

Besides subscription campaigns, the main way of giving financial support to the government in the 1790s was to offer rewards or bounties to volunteers for service in the armed forces. Most of these bounties were used to enlist men in the Royal Navy, but there were also a number of them issued for fencible units, and a few for Volunteer corps.²⁰⁴ As with the subscriptions campaigns, the offering of bounties was a largely newspaper-based activity, and local government officials

²⁰¹ *Caledonian Mercury*, 22 March 1798.

²⁰² *Ibid.*, 24 May 1798.

²⁰³ *Ibid.*, 10 March 1798.

²⁰⁴ There were few, if any, bounties for regular line regiments published in the Scottish press.

again provided a lead. Thomas Elder, the lord provost of Edinburgh, took the first initiative, when, on 20 December 1792, he placed an advertisement in the Edinburgh press under the heading of 'BOUNTY TO SEAMEN', by which he offered a reward of:

TWO GUINEAS over and above his Majesty's Bounty, to every Able Seaman, and ONE GUINEA to ever Ordinary Seaman, not under Twenty nor above Fifty Years of Age, who shall, during the continuance of his Majesty's Bounty, appear in the Council Chamber, and voluntarily enter himself to serve in the Royal Navy.

To be immediately paid by the City Chamberlain, on such able or ordinary seamen respectively being approved by the Regulating Officer here as fit for service, and residing in or belonging to the City, Leith, Newhaven, or other Liberties of Edinburgh.

Elder's offer was made on behalf of the magistrates and city council in Edinburgh and it concluded with the patriotic words 'GOD SAVE THE KING!', followed by his own name.²⁰⁵ For the next two years, Thomas Elder's advertisement was printed in the press on a regular basis – undergoing only minor alterations during that time – and this was the longest period that any Scottish bounty offer ran in the 1790s. It also came to form a template upon which most subsequent bounty-offers would be based, both those issued for the navy and those which were aimed at raising men for the defence forces.²⁰⁶ The Edinburgh bounty was, of course, issued before Britain had entered the war, and relatively few other offers seem to have followed in its immediate aftermath, whereas bounties for the defence forces were first issued in 1794, after the government had issued its invitation to arm. From February 1793 onwards, however, new advertisements from different parts of Scotland appeared in the press, offering bounties to volunteers for service in the navy.

Although it was the local authorities in Edinburgh who had first taken the initiative, these subsequent navy-bounties were in fact remarkably varied in terms of

²⁰⁵ *Caledonian Mercury*; and *Edinburgh Evening Courant*, 20 Dec. 1792, 'BOUNTY TO SEAMEN, By the Right Hon. The Lord Provost, Magistrates, and Council of the City of Edinburgh' [original capitals].

²⁰⁶ The last advertisements of the Edinburgh bounty-offer appears to have been in October 1794, when James Stirling had taken over as lord provost in Edinburgh, and at which point the bounty had been upgraded to three guineas for ordinary seamen, and one guinea for able-bodied landmen. No mention was made of able seamen. See: *Caledonian Mercury*, 9 Oct. 1794; and *Edinburgh Evening Courant*, 13 Oct. 1794.

who offered them. In order to offer a bounty, it was obviously necessary to raise or have access to funds, and the different ways in which navy-bounties were financed, give an indication of who stood behind them. Many bounty-offers were sustained by subscriptions, usually initiated by the elite of a town, county or parish, but to which all ranks of society were normally allowed to contribute. Other bounties were issued by local government officials such as magistrates and town councils, who would be able to draw upon public funds to support their respective schemes, whereas a third category were bounties given by different kinds of societies, institutions or businesses, and a fourth by individuals who were setting up their own self-funded offers. Most of these bounties were issued several times, making the number of advertisements published in the press significantly larger than the number of individual offers that were actually made, but although a mere count of advertisements may therefore be misleading, the geographical spread of offers reveals that the idea had at least caught on across most of Scotland. Moreover, this had occurred without any other incentive than Thomas Elder's initiative. Apart from Edinburgh, bounties to volunteers for naval service were issued by the local authorities in Perth, Stirling, Montrose, St. Andrews, Aberdeen, Linlithgow, Dumfries, Dundee, Greenock, Banff, Mussleburgh, Inverness, Forfar, Pittenweem, Thurso, Paisley and Kirkcudbright, as well as by the authorities in the burghs of Wigton, Culross, Dysart and Newburgh.²⁰⁷ A bounty of one guinea was offered to able-bodied seamen by the 'Collector of his Majesty's customs at Alloa', although it is unclear whether this bounty was sustained by public or private funds.²⁰⁸ Bounties based on subscriptions could either be presented by a committee – which had been set up for this specific purpose – or simply by groups of individuals who had come together and resolved to make an offer. Edinburgh again provided the lead for the former category, by setting up a 'committee of subscribers' in February 1793, which offered a bounty of two guineas to every able-bodied seaman, and one guinea to every ordinary seaman and able-bodied landsman, due 'to be paid along with that given by the City of Edinburgh', whereas the bounty offered by the heritors,

²⁰⁷ *Caledonian Mercury*, 5, 7, 11, 18, 21, 25, 28 Feb., 4, 16, 23 March, 1, 4 April 1793; and *Edinburgh Advertiser*, 26 Feb.-1 March, 1-5 March 1793.

²⁰⁸ *Caledonian Mercury*, 9 Feb. 1793.

merchants, ship-masters, traders and inhabitants of Leith was representative of the latter category. They offered 'a Bounty of TWO GUINEAS to every able Seaman belonging to the port of Leith'.²⁰⁹ Other subscription-based bounties were issued in the counties of Berwick, Fife, Perth, Aberdeen, Kincardine, Wigton, Stirling, Lanark and Ayr, as well as in Haddington, and by Patrick Heron and ten other 'gentlemen' in the stewartry of Kirkcudbright. 'A society of Gentlemen in Kirkcaldy' had done the same, as had the 'Heritors, Merchants, and Owners of Ships in Orkney', while a committee of subscribers was formed in Glasgow.²¹⁰ Among the societies and businesses which offered bounties were the Inverkeithing Sailor Society, which set up their own bounty of three guineas to able seamen in early February 1793,²¹¹ the Goldsmith's Hall Association in Edinburgh, which opened a fund to raise money for bounties a week later,²¹² and the Carron Shipping Company.²¹³ Bounties were, however, also presented by individual Scots, and in the context of demonstrations of loyalty, these are perhaps of even greater interest than the above.

Apart from taking the initiative to present a bounty, inserting advertisements in the press, and otherwise organising all the practical aspects of handing out the actual rewards, those who offered their own individual bounties would also have to rely exclusively on their own personal funds to support the scheme. Since no one could be entirely sure of how many recruits their bounty would attract, this approach clearly involved a greater risk for them than to contribute to a subscription. The two Linlithgow merchants George and Andrew Bartholomew had decided to take this risk, when, in March 1793, they resolved to 'offer a Bounty, over and above all other bounties, of One Guinea to all Seamen and Landmen belonging to this burgh and parish ... and to continue this Bounty till the French are made to march back into their own country'. No specific restriction was placed on the number of bounties that could be issued, only that to receive one, the claimant would have to be from 'their own town and parish'.²¹⁴ Similar private bounties were issued by James Erskine of

²⁰⁹ *Ibid.*, 14 Feb. 1793 [original capitals].

²¹⁰ *Ibid.*, 7, 11, 21, 28 Feb., 7, 11, 23 March 1793; and *Edinburgh Advertiser*, 19-22 March, 29 March-2 April, 5-9 April 1793.

²¹¹ *Caledonian Mercury*, 7 Feb. 1793.

²¹² *Edinburgh Evening Courant*, 14 Feb. 1793.

²¹³ *Caledonian Mercury*, 25 Feb. 1793.

²¹⁴ *Edinburgh Advertiser*, 22-26 March 1793.

Cardross, who offered three guineas to able seamen belonging to the town of Kincardine or the parish of Tulliallan, by Sir James Riddell in Edinburgh,²¹⁵ by John Taylor, a merchant in Queensferry,²¹⁶ and by Thomas Mitchell, a merchant and soap-manufacturer living in Dunbar.²¹⁷ In the case of John Taylor, the advertisement he had published included one important restriction. The bounty of one guinea, which Taylor offered to every able seaman in his own burgh, was due to commence on the date the offer was published, and ‘to be continued as long as there is no impress at this port’. Taylor was not alone in stressing this point.

Traditionally, the main alternative to bounties was the use of press-gangs, which were no more popular in Scotland than anywhere else in Britain.²¹⁸ Although few advertisements stated explicit restrictions similar to that Taylor had included, a hope of avoiding renewed use of impressments may have been a main incentive behind many bounty-offers. An editorial in the *Caledonian Mercury*, for example, pointed out as early as in mid-January 1793, that ‘a greater number of seamen’ had entered into his Majesty’s service as a consequence of the Edinburgh-bounty ‘than was ever known in such a short space of time’, and this, it was hoped, ‘will preclude the necessity of resorting to press warrants’.²¹⁹ The same point was re-emphasised a week later, when it was clear that London had followed the lead provided by Edinburgh. It was argued that ‘if every parish and town in the kingdom was to follow such a laudable public-spirited example, there would be no occasion for that unpleasant mode, impressing’.²²⁰ An anonymous article in July 1794 even suggested that any surplus funds from the Lord Howe subscription should be set aside so that there would be ‘no occasion for a press warrant’ in future.²²¹ Repeated pleas of avoiding press-gangs notwithstanding, impressments were authorised, and in at least one case, the issuers of a bounty took what to them seemed the natural consequence

²¹⁵ *Ibid.*, 12-15 Feb. 1793, James Erskine of Cardross, Esq., Edinburgh, 14 Feb. 1793.

²¹⁶ *Caledonian Mercury*, 4 March 1793.

²¹⁷ *Ibid.*, 9 March 1793. Although most bounties were restricted to the inhabitants of the place where they were issued, and some only ran for a limited period of time, the offer made by James Ogilvie in Bruntisland on 3 November 1793 stood out by being aimed at manning just one vessel. His bounty to seamen was only for those natives of Bruntisland who intended to enlist on the frigate *Ambuscade*. *Edinburgh Evening Courant*, 3 Nov. 1793.

²¹⁸ See: chapter 4, p. 145.

²¹⁹ *Caledonian Mercury*, 17 Jan. 1793.

²²⁰ *Ibid.*, 21 Jan. 1793.

²²¹ *Edinburgh Evening Courant*, 4 July 1794, article by ‘A FRIEND TO KING AND COUNTRY’.

of this government policy. In late March 1793 the Inverkeithing Sailor Society published a notice, in which they stated that since ‘a house of rendezvous has been erected, and a press-gang established within this town, which has of late committed several illegal and oppressive acts of violence, unprecedented in all other places, upon the inhabitants and neighbourhood’, they could see no other possible outcome than to ‘UNANIMOUSLY recall their former advertisement offering a bounty’.²²²

By the late summer of 1793 the issuing of new and the reissuing of old bounties largely came to an end and throughout 1794 and the beginning of 1795, relatively few advertisements were printed, offering bounties to navy recruits. Shortly after the passing of the three Navy Acts in March 1795, however, a number of new bounty-offers were published in the press, and this time there was a clear incentive; the need to fill the specific quotas set by the two acts which applied to Scotland.²²³ The shortage of available manpower was now beginning to make its mark, and this – together with the specific quota requirement – was reflected in the much higher rewards that were offered in these newly issued bounties. The commissioners who had been appointed to raise volunteers at Leith, under the Act for supplying men from British ports, offered bounties of twenty guineas to seamen and fifteen to landsmen, and not only promised to cover ‘travelling charges’ and ‘every other reasonable expence’ for the recipients, but also to ‘REWARD HANDSOMELY those who take trouble in their service, by recommending Volunteers or otherwise’. The commissioners in the port of Anstruther went even higher, and offered bounties of twenty-six, and seventeen pounds to seamen and landsmen respectively, while those in the port of Borrowstounness stated that they would give bounties ‘as HIGH as at any Port in Scotland’.²²⁴ The commissioners at Dunbar also offered twenty and fifteen guineas,²²⁵ whereas the merchants and ship owners at Stornoway restricted their offer to ten and seven guineas respectively.²²⁶ After 1795 there were hardly any bounties offered to volunteers for naval service,

²²² *Caledonian Mercury*, 30 March 1793 [original capitals].

²²³ The provisions of the Navy Acts are included in Appendix: D.

²²⁴ *Caledonian Mercury*, 6 April 1795 [original capitals].

²²⁵ *Ibid.*, 20 April 1795.

²²⁶ *Ibid.*, 23 April 1795.

and the same was largely the case for fencible units.²²⁷ Before 1796, however, bounties were frequently issued to volunteers for fencible regiments – as could be expected for a force predominantly raised on the basis of subscriptions – and these bounties formed the second large group of rewards offered for voluntary military service.

Although the subscriptions for fencible forces only began in 1794, bounties were already being offered in 1793 for the few regiments which were raised that year. The town of Dunfermline, for example, presented a bounty of two guineas to volunteers for the Breadalbane Regiment in late March,²²⁸ as did the magistrates and town council of St. Andrews,²²⁹ whereas the same amount was offered by the ‘Principal Inhabitants’ of Borrowstounness and the county of Ayr to recruits for Lord Hopetoun’s South Fencibles and the West Lowland Fencibles respectively.²³⁰ A few of these early regiments benefited from the issuing of more than one bounty for their recruits, and the Earl of Hopetoun’s Regiment appears to have been in a particularly advantageous position, enjoying multiple bounty-offers, which included several presented by the Earl’s own tenants. The ‘Vassals and Tenants of the Estate of Annandale’ had, for example, offered their bounty of two guineas for the regiment in April, together with those of the Earl’s own tenants residing in the parish of Humble in East Lothian.²³¹ The Earl’s tenants in the ‘Barony of Byres’ raised funds for a larger bounty of five guineas in May,²³² as did five named tenants in the parish of Crawford in Lanarkshire,²³³ while the inhabitants of the parish of Crichton in Mid Lothian offered a the more conventional sum of two guineas.²³⁴ Further advertisements were printed in 1794, and in early 1795, offering rewards which were largely similar to those given to fencible and navy recruits in 1793. The magistrates

²²⁷ Bounties for volunteer corps remained an exception throughout the war. In the case of the cavalry units, this was probably primarily because they consisted of wealthier Scots who needed no financial incentive to join.

²²⁸ *Edinburgh Advertiser*, 29 March-2 April 1793; and *Caledonian Mercury*, 30 March 1793.

²²⁹ *Edinburgh Advertiser*, 26-29 March 1793.

²³⁰ *Caledonian Mercury*, 4 May 1793; and *Edinburgh Advertiser*, 5-9 April 1793, bounty issued by ‘the Freeholders, Justices of the Peace, Commissioners of Supply, Heritors, and other Gentlemen in the County’ of Ayr.

²³¹ *Ibid.*, 12-16 April 1793.

²³² *Caledonian Mercury*, 4 May 1793.

²³³ *Edinburgh Advertiser*, 10-14 May 1793.

²³⁴ *Caledonian Mercury*, 16 May 1793.

and town council of Auchtermuchty, a burgh in Fifeshire, for example, offered a bounty of ‘one guinea over and above his Majesty’s Bounty, to any person enlisting the new regiment under the command of Colonel Graham’ in February 1794.²³⁵ A more substantial offer was made by ‘the Farmers in the Lordship and Inhabitants of the Town of Huntly’ in Aberdeenshire, who offered five guineas to those ‘who shall enlist with Captain John Gordon, Commanding Officer at Huntly’,²³⁶ while an ‘Additional Bounty’ of one guinea was presented by the inhabitants of the town of Wick ‘to every Spirited Young Man belonging to the Town’, who would enlist with the Rothsay and Caithness Fencible Corps.²³⁷ Several more bounties were issued by farmers and tenants. A meeting held by the farmers in the county of Berwick on 17 June resolved to offer an additional bounty of three guineas to those volunteers for the Berwickshire Cavalry ‘who shall enlist in said corps within the space of Three Weeks from this date’,²³⁸ and the same reward was issued by the farmers in the county of Roxburgh.²³⁹ Bounties for fencibles were in some cases also issued by local government officials, such as the magistrates and town councils of Stirling and Forfar, who had raised money for Colonel Robertson’s Regiment, and of Thurso, who offered three guineas to recruits in the Rothsay and Caithness Regiment.²⁴⁰ Lastly, as was the case with naval bounties, some of those given to fencible recruits came from the funds of individual Scots. In early 1795 a bounty of two guineas was offered by ‘SOME Friends of Lieutenant George Hunter’ to the first ten men who would enlist with the Reay Fencibles – with whom the Lieutenant in question served,²⁴¹ while Colonel Ilay Ferrier offered a ‘Double Bounty’ of ten guineas to any volunteers for his own Third Regiment of Scotch Brigade, which he was trying to

²³⁵ *Edinburgh Evening Courant*, 27 Feb. 1794. The authorities in Perth and of the burgh of Falkland in Fife offered two guineas to volunteers for the same regiment, and a number of gentlemen in Inverness offered three guineas to volunteers for the Inverness-shire regiment. *Ibid.*, 6, 22 March 1794.

²³⁶ *Ibid.*, 10 April 1794.

²³⁷ *Ibid.*, 4 April 1794.

²³⁸ *Ibid.*, 26 June 1794.

²³⁹ *Caledonian Mercury*, 7 July 1794. The tenants on the Estate of Hatton offered two guineas to recruits for the Edinburgh Battalion, as did the tenants ‘upon the DRUMMOND of Perth’s different Estates’ for the Drummond of Perth Fencible Regiment, and those working on the Estate of Rosehall offered one guinea to volunteers for the Angus-shire Fencibles. *Ibid.*, 11 Dec. 1794, 1, 3 Jan. 1795.

²⁴⁰ *Ibid.*, 11 Dec 1794, and 24 Jan 1795.

²⁴¹ *Ibid.*, 26 Jan 1795.

complete, only to change this to ‘a HIGHER BOUNTY than any now offered by any Regiment in his Majesty’s service’ shortly afterwards.²⁴²

VII

How loyal were the Scots?

The first part of this chapter pointed out that, although the Reeves’ association never seemed to make quite as strong an impact in Scotland, as it did in England, the subsequent demonstrations of loyalty – as they have been described above – show that Scots were prepared to go to great lengths to support the British state. In this respect, the *range* of the different types of demonstrations of loyalty in Scotland is striking. Many demonstrations were – admittedly – initiated by the government, and in quite a few cases, local officials needed to provide a lead before the general public took up the idea, but people *did* respond to the encouragements they were given by the authorities, and often in an overwhelming fashion. More crucially, a significant number of Scots also showed a willingness to initiate ways of demonstrating loyalty, entirely of their own making and without any initiative or remuneration from the authorities. The fact that so many people, from all social categories, were prepared, not only to make an effort, but also to make concrete *sacrifices* – either by offering financial support, or personal service – in order to achieve this end, further underlines the impression of genuine loyalty among very many Scots. Moreover, the various demonstrations of loyalty also give an impression of loyalty on the government’s terms. Loyalism remained moderate in its outlook, and although people in many cases demonstrated their support for the government in an enthusiastic manner, this support never seriously threatened to develop its own political agenda and become an independent political force. In this sense, the risk Pitt and his ministers had taken with the Royal Proclamations of 1792 must be seen as having ultimately turned out a success.

Demonstrations of loyalty were, however, only one side of loyalism and the support given to the government in the 1790s. The other was the *argument* presented

²⁴² *Ibid.*, 26 June, 3 July 1795.

by those who sought to defend the existing political system in the British state, and it is to the subject of the loyalist argument that we will turn in the next chapter.

Chapter 7

Loyalist Ideology

In 1792 – when the spread of popular radicalism and politically-inspired rioting brought up the issue of ideological support for the government – it was not immediately obvious which approach the supporters of the government would adopt when arguing their case. There were differences between those who argued in favour of the existing political system and against any wide-ranging changes of the government of Great Britain on the French model. Broadly speaking, there were two competing views of how best to protect the British Constitution, and both were concerned with the avoidance of revolution.

I

1792-93: How to avoid revolution in Britain

On the one side stood those who claimed that a moderate reform of the British political system was the only way a revolution could be avoided. In the current political climate, it was argued, the best approach the government could adopt was to give *some* concessions to the demands put forward by many people. By doing so, the authorities would show themselves to be listening to the grievances of the people, and to be acting upon their complaints, but without placing the fundamental structure of the British constitution at risk. This strategy, they thought, would defuse the situation, because most people were sensible and moderate, and would be content with piecemeal changes aimed at redressing the specific issues they had raised. Few people had any wish for extensive changes in the system of government, let alone for a revolution, but if those legitimate concerns raised by the people were not addressed, then they might be persuaded by the radicals to support more extreme political demands. A persistent refusal by the government even to contemplate reform was likely to fuel the anger of ordinary people, and the inevitable consequences of this would be a revolution on the French model. This line of argument had considerable appeal to those who had already been campaigning for moderate reform for some time, not least because it suited their political agenda.

Seen from the point of view of most conservative thinkers, however, this was a deeply flawed analysis. In their opinion, the only way to avoid revolution in Britain was for the government to stand firm against the radical claims, and to refuse *any* demands for change. Concessions would only be perceived as a weakness, with the inevitable result that the radicals would press for further reforms. Once the government had given in to one single demand, there would be no turning back, and the country would slide down the slippery slope to revolution. Essentially, these two analyses could both be seen to present a 'loyalist' argument, in that they were both concerned with how revolution could be avoided and the existing system of government preserved. Where they differed, was in their respective views of the people and of how the general public would react to political reform.

The upsurge of radicalism all across Britain in 1791-92, however, made it increasingly difficult to maintain a position in the middle ground and to defend moderate reform as a loyalist argument. When Louis XVI was executed in January 1793 and war broke out between Britain and France on 1 February the same year, it became near untenable to advocate such views. Placed somewhat awkwardly between the radicals on the one side and the more conservative supporters of the *status quo* on the other, moderate reform – as a loyalist and pro-government argument – withered and all but disappeared from the debate. Political opinions now increasingly revolved around two poles – loyalist and radical, or patriotic and pro-French – and in this political climate there was little room for any more nuanced views. The moderate reformers, were lumped together with the more extreme radicals, and branded as pro-French, potential revolutionaries, and even traitors.¹ Despite this hostile political environment, Emma Vincent Macleod has recently argued, 'at least seventy or eighty' Scottish opposition Whigs remained active throughout the decade. Although 'conservatives identified them with or passed them off as nearly as bad as radicals', these Whigs were not subdued, and 'continued to

¹ For a discussion of the moderate reformers, see: H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, 1977), pp. 237-40; Donald E. Ginter, 'The Loyalist Associations Movement of 1792-93 and British Public Opinion', *Historical Journal*, 9 (1966), 184; and Clive Emsley, *Britain and the French Revolution* (Harlow, 2000), p. 40. Emma Vincent Macleod has argued that, already by 1795, Robert Dundas had found it difficult 'to conceive of any medium between loyalty to government and wholesale republicanism'. Emma Vincent Macleod, 'The Scottish Opposition Whigs and the French Revolution' [forthcoming].

steer a middle course between conservatives and radicals'.² In the main political debate of the 1790s, however, the battle was largely fought between the radicals on the one side and those loyalists promoting a conservative ideology in defence of the existing political system on the other. The argument of the latter will form the main focus of this chapter. This involves looking at, first the conservative defence of the British constitution, then how loyalist writers attacked the ideas and policies of the radicals at home and the revolutionaries in France, before moving on to related issues of morality and religion, a dilemma facing loyalist ideologues, and finally examining the attempts that were made to adapt the conservative argument to a Scottish setting.

II

The Conservative Defence of the British Constitution

Since most radical pamphleteers made significant efforts to identify and reveal deficiencies, flaws or 'abuses' within the British political system and generally painted a picture of a political regime ripe for reform, a natural starting point for loyalist writers, hoping to mount a defence of that regime, was to emphasise those particular advantages which *they* believed the British constitution secured for all Britons. They stressed the uniquely favourable situation in which Britain found herself, blessed as she was with 'the best constitution in the world',³ 'the envy of surrounding nations',⁴ and 'the grandest effort of political wisdom ever exhibited on the earth, the pride of Britain, the glory of the isles', as the reverend Thomas Macknight phrased it.⁵ The British form of government was held to have reached a level of 'maturity and perfection unequalled on the face of the Globe',⁶ and for loyalist writers it was of paramount importance to make all Britons aware of the unsurpassed benefits which this uniquely successful political system bestowed upon

² *Ibid.*, pp. 13-14.

³ Anonymous, *Some of Mr. Paine's Principles and Schemes of Government examined, and His Errors Detected* (Edinburgh, 1792), p. 53.

⁴ *The Times*, 31 Jan. 1793, General Meeting of County Delegates in Scotland, Edinburgh, 10 December 1792.

⁵ The Rev. Thomas Macknight, *The Means of National Security, Considered as a Ground for Thankfulness to Divine Providence* (London, 1795), p. 16.

⁶ Laurence Moyes, *Gratitude to God* (Falkirk, 1794), p. 14. Similar statements can be found in: Thomas Hardy, *The Patriot* (Edinburgh, 1793), p. 20; and George Hill, *The present Happiness of Great Britain* (Edinburgh, 1792), p. 21.

the British people. The fallacies of the radicals' accusations needed to be exposed, and if such a political education of the people could only be achieved, then, the growing support for radicalism ought be halted as a consequence, many conservative supporters of the government seemed to believe. Most loyalist writers therefore went to great lengths to explain precisely why the British constitution produced a political regime superior to any other in the world, and why it would be foolish to attempt to make any changes.

Central to the argument was the emphasis placed on the particular advantages derived from a mixed government and 'balanced' constitution such as the British. There were only three pure or *simple* forms of government – monarchy, aristocracy and democracy – but the British constitution was unique in that it combined *all three* of these, and achieved a balance between them. This placed it in an unrivalled position. Whereas every simple form of government had some advantages, each of them also had certain disadvantages, and these tended to become accentuated if they remained unchecked by another form. A monarchical government, for example, could easily descend into an absolutist tyranny if there was no balancing power in the state, while an unchecked aristocratic regime could turn itself into a factious oligarchy, and democratic regimes were held to have a tendency of disintegrating into mob rule and anarchy.⁷ The British constitution, by contrast, was able to balance and rectify the 'defects' of these simple forms by combining them all in '*one complicated, and yet harmonizing system*', as one anonymous pamphlet concluded.⁸ This was done by establishing a *single* sovereign legislature which was made up of three elements representing the three forms of government: monarchy (the King), aristocracy (the House of Lords), and democracy (the House of Commons). Each balanced the other two because each had its own separate function: the King was the head of the executive; the House of Lords was the supreme Court of appeal; and the

⁷ See, for example: Hardy, *Patriot*, pp. 59, 60-1. Robert Thomas held it to be: 'a great excellence of the British Constitution, that these three powers, the legislature, the executive, and the judicial, are separated, or lodged in different hands', since this meant that no one man, or body of men, could gain control over the 'whole power of the state'. Robert Thomas, *The Cause of Truth, Containing, besides a great variety of other matters, A Refutation of Errors in the political works of Thomas Paine, and other publications of a similar kind* (Dundee, 1797), p. 378. See also: *Ibid.*, pp. 237, 351-92.

⁸ Anonymous, *A New Year's Gift to the People of Great Britain* (Edinburgh, 1793), p. 15 [original italics].

House of Commons initiated all taxes.⁹ The balance thus achieved was, however, very delicate, and could easily be disrupted and damaged if any one of the three constituent parts of the legislature increased its power at the expense of the other two. This was precisely what many loyalist writers feared in the 1790s, and it was argued that the parliamentary reforms promoted by the radicals – if they were carried through – would make the democratic element of the constitution, the House of Commons, far too powerful relative to the other two, thereby endangering the balance of the constitution and the stability of the country.¹⁰ Combining the three simple forms of government into one legislature could eliminate their individual flaws, while preserving their benefits. The Reverend James Roger argued that, under the British constitution, ‘all the beauties of the three simple forms ... are selected and combined’.¹¹ A few loyalist writers admitted that, although the British constitution was the best in the world, there might still be room for small improvements, since ‘no system framed by men is absolutely perfect’, but they denied that any ‘*abuses* or *corruptions*’ could have ‘crept into the *constitution*’ since the time of the Glorious Revolution in 1689, as many radicals claimed.¹² Striving to achieve an ideal form of government would be futile, since there could never be ‘a perfect government, until perfect men be found to govern and to be governed’.¹³ There was, in any case, no evidence to suggest that the British public had suffered as a consequence of any imperfections in the British constitution.¹⁴

Although considerable efforts were thus made to explain the *theoretical* side of the advantages offered by the British form of government and the potential

⁹ For a discussion of the principles underlying the balanced constitution in Britain, see: Dickinson, *Liberty and Property*, particularly pp. 142-59

¹⁰ See: Hill, *Happiness of Great Britain*, p. 21; and Dickinson, *Liberty and Property*, pp. 272-75. Earlier in the eighteenth century, it had been argued by – first the ‘country’ opposition in parliament, and later by radicals from the 1760s onwards – that the careful balance of the British constitution was threatened by the (allegedly) increasing influence of the Crown. ‘Country’ politicians had been concerned about Crown patronage and the corrupt methods of the Court in the first half of the century, while many radicals had believed that ‘George III wished to increase the power of the Crown by unconstitutional means’ after he acceded to the throne in 1760. Although the ‘country’ politicians may have had a case to make, there was little hold in the allegations made against George III. See: *ibid.*, p. 206 [quote], and pp. 174, 179-81, 192, 195-97.

¹¹ The Rev. James Roger, *Essay on Government* (Edinburgh, 1797), p. 28. See also: Thomas Hardy, *Fidelity to the British Constitution* (Edinburgh, 1794), p. 17.

¹² Hardy, *Patriot*, p. 20 [original italics]. See also: ‘A Clergyman of the Dissenting Interest in Scotland’, *Civil and Religious Subjection* (Edinburgh, 1798), p. 9.

¹³ The Rev. James Hall, *David and Goliath; or Great Britain & France* (Glasgow, 1793), p. 25.

¹⁴ Thomas Somerville, *Observations on the Present State of Britain* (Edinburgh, 1793), p. 27.

dangers involved in attempting political reforms along the lines suggested by the radicals, the main thrust of the loyalist argument was concerned with the *practical* benefits of the British constitution. The merits of a political system should not be measured against abstract theoretical principles, but by its actual achievements. To find evidence that the balanced constitution of Britain provided the best political system in the world, Britons need only observe the unequalled benefits they had enjoyed throughout the past century. In the opinion of Adam Whyte, who was clearly influenced by Edmund Burke, the crucial advantage of the British political system was that it had stood the test of time:

I judge of governments, not as they do in France, by any abstract notions of perfection, but by the effects which they actually produce; and from the effects which our Government has produced for more than an hundred years, you and I are justified, I think, in maintaining, that it is *the happiest civil Constitution in Europe*.¹⁵

To their own satisfaction, the loyalists were able to demonstrate that – over the past one hundred years – the British constitution had secured and safeguarded precisely those rights and principles they held to be necessary to maintain a stable, safe, liberal and prosperous society. Under such a ‘civil government’, one anonymous author stated, ‘we require security of person, property, and reputation’ as well as ‘protection from foreign foes, and vigorous measures against domestic enemies’, and ‘freedom of speech and writing, if our words and writings be not injurious to others, or the public peace’. Only in the ‘British dominions’ were all these requirements fulfilled by the existing political arrangements.¹⁶ Thomas Hardy argued that the essential rights in a civil society were ‘religious liberty’, ‘personal safety’ and ‘security of property’, all of which were enjoyed ‘under the British constitution’,¹⁷ while Robert Walker held that the British political system was ‘adapted equally to secure the blessings of LIBERTY and RELIGION’,¹⁸ and the reverend James Steven claimed that, in Britain, ‘liberty of conscience is allowed to the inhabitants in religious

¹⁵ Adam Whyte, *Political Preaching* (Glasgow, 1792), p. 16 [original italics].

¹⁶ NAS, RH2/4/66, f. 321 [excerpt from the *Glasgow Courier*, 13 Dec. 1792], ‘To the PEOPLE OF SCOTLAND’, by a ‘FELLOW SUBJECT’.

¹⁷ Hardy, *Fidelity*, pp. 20, 22, 26.

¹⁸ Robert Walker, *A Sermon Preached in the Church of Canongate* (Edinburgh, 1794), p. 42 [original capitals].

matters', and that 'justice lies open to the meanest of the people'.¹⁹ The Reverend William Porteous emphasised that the people should look for 'two effects', which could be produced 'by a good civil constitution, and a wise administration of government' and by '*no other cause*'. They were 'the security and the prosperity of the people'.²⁰ Other loyalist writers made similar points, and, in essence, the loyalist case came down to the four crucial principles of liberty, property, the rule of law and equality before the law.

The meaning of liberty was not the right to vote or to have any other kind of direct influence in the political decision-making process in the way the radicals imagined, but freedom *from* oppression and the right to a live free life in a society regulated by just laws. For some writers, liberty was *the* principle upon which the whole British constitution rested. Thomas Macknight argued that 'in the fabric of *our* constitution, liberty forms the materials, liberty is the basis', the 'superstructure', the 'pillars' and the 'ornament'. Every inhabitant of Great Britain was free to do as he pleased, Macknight stressed, as long as his actions remained within the law of the land, and this was the essence of true liberty.²¹ 'To talk of liberty without constraint', he stated, was nothing but 'mere delusion', since 'true liberty is as far removed from anarchy, as it is from despotism'.²² A natural consequence of this interpretation of liberty was the view that all Britons also had equal opportunities to make their own living and to rise in society.²³ 'Subjection to good laws, is true liberty', Alexander Shanks argued,²⁴ while an anonymous pamphlet stated that 'true *freedom* is freedom *from injury*'.²⁵ Freedom of action was of little value, loyalists claimed, unless it was restrained by reasonable laws which stopped people from inflicting injury on each other, and liberty was therefore as much a matter of protection and safety, as it was of freedom. Indeed, the strong emphasis which some loyalist writers placed on equality of opportunities, but not in the right to vote, was closely related to the

¹⁹ James Steven, *A Public Testimony of Loyalty to the British Constitution* (Glasgow, 1793), pp. 11-12. See also: James Wemyss, *A scriptural view of Kings and Magistrates* (Edinburgh, 1794), pp. 33-5.

²⁰ William Porteous, *The Good Old Way recommended* (Glasgow, 1793), p. 30 [original italics].

²¹ Macknight, *Means of National Security*, pp. 15-16.

²² *Ibid.*, p. 24.

²³ See: John Young, *Essays on the following Interesting Subjects* (Edinburgh, 1794), p. 48.

²⁴ Alexander Shanks, *Peace and Order recommended to Society* (Edinburgh, 1793), p. 18.

²⁵ 'A Friend of Order', *A few Plain Questions to the Working People of Scotland* (Edinburgh?, 1793), p. 8 [original italics].

second principle, that of property. If all inhabitants had the same right to create a livelihood for themselves, then, in the opinion of most loyalist writers, it followed that they must have the right to retain the fruits of their labour, since it would make little sense to have the right to create wealth, but not to retain it. The protection of property was therefore seen to be closely wedded to the principle of liberty, as a prerequisite for any civil society. As John Erskine found reason to clarify:

I mean not, by liberty, that licentiousness, which permits any, without dread of punishment, to be as false, injurious, and malicious, as they choose, in their words, writings, and actions. I mean, the liberty, by which every one enjoys, undisturbed, his just rights and property; is uncontrouled in his lawful pursuits; and entitled, boldly, though decently, to present his complaints to his superiors, that they may be examined, and, if well-founded, be redressed.²⁶

Furthermore, the right to property was held to be of equal importance for all members of society, those who owned little as much as the very rich. When the radicals challenged the property rights of large landowners and rich financiers, they were also threatening the property of everyone who actually owned *something*. ‘If a Duke or Earl has not right to his great estate, what right has the portioner or feuer in any village to his?’, one pamphlet asked,²⁷ while another stated that, in Britain, ‘the poor man has everything belonging to him as well secured as the greatest’.²⁸ Unless property was protected ‘as it happens to stand’, no one could feel safe for their belongings, because:

What right has the shopkeeper to his shop, the tenant to his tack, the corporation to its privileges and freedoms, the master-tradesman to the work of his apprentices and servants, or any working man to his comfortable meal, while there is a beggar in the street that wants it?²⁹

Once the sanctity of property was questioned there was no telling what the ultimate consequences might be. The only group of people who could possibly have anything

²⁶ John Erskine, *The Fatal Consequences and the General Sources of Anarchy* (Edinburgh, 1793), p. 12.

²⁷ ‘A Friend of Order’, *Plain Questions*, p. 12.

²⁸ Anonymous, *Mr. Paine’s Principles*, p. 28.

²⁹ ‘A Friend of Order’, *Plain Questions*, p. 12. A similar point was made by Alexander Carlyle, who argued that: ‘The King is not more secure in his right to his palace, than the labourer to his hut’. Alexander Carlyle, *National Depravity the Cause of National Calamities* (Edinburgh 1794), p. 23.

to gain from a weakening of property rights were the utterly destitute; those who owned nothing and therefore had nothing to lose.³⁰ For everyone else, such policies spelled little but plunder and social anarchy, and no one should expect to be able to reap any advantages for themselves, if the sanctity of property was destroyed.

The argument which was advanced to demonstrate that the defence of property was in the interest of all members of society was also used to defend the propertied franchise, as well as to argue that only men of independent means should be elected to sit in parliament. Only men who owned property themselves could be safely relied upon to defend vital rights such as liberty and property once they had been elected to the House of Commons, and only propertied men could be expected to exercise a free choice among the candidates in parliamentary elections.³¹ 'Power without property', Thomas Hardy stated, 'is the very engine of plunder, and lets loose those hands which good laws are meant to restrain'.³² Security for person and property was not merely a matter of regulating the interaction which took place between individuals, but also a way of circumscribing the powers of the state, so that the rulers of the country could not abuse their position. Just as the inhabitants of Britain had to live their lives in accordance with the laws of the land, so the government also had to abide by certain rules and regulations. It was this requirement which formed the basis of the principle of 'the Rule of Law'. The concept of 'the Rule of Law' could, however, also be interpreted in a wider sense, where it referred to a society regulated by just and reasonable laws, both with respect to the relationship between government and citizen or subject, and between the inhabitants of the country. Moreover, it could be seen to include the principle of equal laws for all the inhabitants of the realm. In Britain, it was argued, no man could be thrown in prison without first being accused of a crime, tried before a court of law and convicted by a jury of his peers, and this made Britain stand out in sharp contrast to continental Europe. Referring to the practices of the pre-revolutionary regime in France, John Young pointed out how the rule of law in Britain protected British subjects from similar abuses of state power at home:

³⁰ Tam Thrum, *Ten minutes Reflection on the late events in France* (London, 1792), p. 7.

³¹ Dickinson, *Liberty and Property*, pp. 279-81.

³² Thomas Hardy, *The Importance of Religion to National Prosperity* (Edinburgh, 1794), p. 24.

We have no *Lettres de cachet* [*sic*],³³ by which a man may be seized, when going about his lawful business, or even in his own house, carried he knows not where, and kept ... without ever knowing whom he had offended, or how. We have no *Bastilles*, in which an innocent person may be forced to spend his whole life in a dungeon, without trial, without appeal, and even without allowance to prefer a petition for justice. No man's will is our law. Neither the king himself, nor any of his ministers dare touch a hair of our head, nor a farthing of our property, unless in execution of the law.³⁴

It was clear to everyone that the rule of law also secured freedom of speech, the press and of religion in Britain; liberties some loyalists accused the radicals of abusing.³⁵ Should 'Mr. Paine' choose to write pamphlets against the current regime, while in France, as he had done in Britain, Thomas Hardy hypothesised, 'he would experience a brief prosecution, quite unencumbered with those legal forms of which he complains in England'.³⁶ Thus, under the British constitution, even those who wished for its demise were given the full protection of the law, and this was closely linked to the fourth main principle underpinning the constitution, that of equality before the law. A 'particular excellence in the Constitution of Britain', the reverend James Steven argued, is that 'justice lies open to the meanest of the people'.³⁷ There were no legal privileges for the nobility or other distinctions between subjects with respect to the law in Britain, and 'if a dispute arises between a peer and the meanest commoner, the law determines the dispute impartially'.³⁸ Equality before the law was crucial for the principles of liberty and property, since a man would not be free to 'do what he chuses' and to accumulate wealth, unless the same rules applied to everyone.³⁹ True equality, Thomas Somerville observed, consisted in having 'the

³³ *Lettres de cachet*: Royal warrants in France ordering the imprisonment of a named individual.

³⁴ Young, *Essays*, p. 37 [original italics]. The later, and repeated, suspensions of the *Habeas Corpus* were, of course, in breach of this principle, government reassurances that it was merely a temporary measure aimed at safeguarding Britain against domestic revolutionaries notwithstanding. See: chapter 2, p. 58.

³⁵ See for example: NAS, RH2/4/69, ff. 246-47, '*SPEECH delivered from the Chair of the Court of Session, by the LORD PRESIDENT, in the name of the COURT, to the LORD PROVOST, MAGISTRATES, and COUNCIL of the City of EDINBURGH*', p. 4.

³⁶ Hardy, *Patriot*, p. 36.

³⁷ Steven, *British Constitution*, p. 12.

³⁸ Anonymous, *Mr. Paine's Principles*, p. 28.

³⁹ Macknight, *Means of National Security*, p. 15.

same undistinguishing protection of the laws', and 'the same rule of justice applicable to every one'.⁴⁰

The optimal conditions thus set by the British constitution had also secured material benefits. References to the prevailing prosperity of Britain was used extensively to demonstrate the practical advantages of the British form of government. 'Know the tree, I say, from the produce', one anonymous pamphleteer wrote, because, surely: 'It cannot be a poisonous and rotten stock that produces such abundance of excellent and wholesome fruit'.⁴¹ The progress of commerce and manufacture, and the growing wealth of Britain over the past century was a direct result of that liberal political regime which secured freedom under equal and just laws. Only in a country where the political arrangements guaranteed true liberty for the individual, and thus gave unrivalled opportunities for entrepreneurs, could the economic progress witnessed in Britain over the past one hundred years have been achieved.⁴² 'The prosperous fruits of our political government afford an argument for its excellence', Thomas Somerville claimed, before arguing that 'our prosperity ... must be exposed to dreadful hazard by a total subversion of government, or indeed by any essential change in it'.⁴³ It was also argued that the increasing wealth of Britain had not merely disappeared into the pockets of wealthy landowners and rich financiers, but had been to the benefit of all members of society. 'The truth is', Thomas Macknight wrote, that 'there never was a country, or a period, in which prosperity and happiness were more universally diffused throughout a nation in all its ranks, and in which, particularly, the poor were better provided for, or their interest more consulted, than they are, at this moment, in this land'.⁴⁴ When the practical achievements of the British constitution over the past century produced such an 'unusual degree of private happiness and public prosperity', as the Reverend Andrew Hunter concluded,⁴⁵ in whose interest was it to make any changes to this venerable

⁴⁰ Somerville, *Observations*, p. 5.

⁴¹ 'A Friend of Order', *Plain Questions*, p. 11.

⁴² See for example: Porteous, *Good Old Way*, pp. 9, 30, 32; and NAS, RH2/4/69, ff. 246-47, 'SPEECH delivered from the Chair of the Court of Session', pp. 1, 3.

⁴³ Somerville, *Observations*, pp. 4, 10.

⁴⁴ Macknight, *Means of National Security*, p. 46.

⁴⁵ Andrew Hunter, *The Duties of Subjects* (Edinburgh, 1793), p. 13.

political system? The answer to this question, most loyalist writers seemed to agree, was a handful of radicals of questionable morality and *not* the public at large.

III

The Attack on the British Radicals and French Revolutionaries

The main theme running through the loyalists' direct criticism of radical ideas was the contrast between theory on the one hand, and practice and experience on the other.⁴⁶ Just as they defended the British constitution primarily on practical grounds and on the evidence of experience, the loyalists also attacked the radicals for relying on theoretical 'first principles' of government in their proposals for a reform of the British political system, and for misleading the public with idealised visions of a government and society based on such theoretical concepts. The ideas and arguments put forward by radicals were generally too far removed from the reality of everyday policy-making, and were therefore of little relevance to the actual running of a country.⁴⁷ Other loyalists were more concerned to emphasise the potential dangers involved in attempting to reform a political regime on the basis of *untried* theoretical principles of government, precisely because no one could know the exact outcome of such an experiment, and the government of a country was far too important to be the object of such experimentation. Universal suffrage, annual parliaments and an extensive reform of the system of representation were all held to be untried schemes, and the consequences of implementing them could therefore not be foretold. As loyalist writers never tired of emphasising, true liberty had to be limited and did not involve the right to vote, nor should equality be anything other than equality before the law. Radical claims that the British were 'not a *free people*', because they 'have no vote in the choice of the members of Parliament' were utter nonsense, because neither had 'nineteen out of twenty of those whom the reformers chuse to call your

⁴⁶ For a comprehensive account of radical ideology in the 1790s, see: Dickinson, *Liberty and Property*, chapter 7, pp. 232-69.

⁴⁷ A number of pamphlets and sermons were written solely for the purpose of refuting Thomas Paine's ideas and arguments and, at least as far as his public welfare schemes were concerned, the main argument raised against them was that they were 'impracticable'. See: Emma Vincent, 'The Responses of the Scottish Churchmen to the French Revolution, 1789-1802', *Scottish Historical Review*, 73 (1994), 201.

oppressors'.⁴⁸ It was also false to claim that those who did not possess the vote were without representation in parliament, since MPs were not elected to represent only those who voted for them, but also those who voted for a different candidate, and indeed the whole nation. As John Young argued:

Every member of the House of Commons represents those who voted against him. Yea, whenever a man is chosen, he ceases to be a representative of that city or county only, by which he was chosen: and becomes a representative of the British people at large. And every individual among that people is represented, not by any particular members of Parliament only; but by the whole house.⁴⁹

The argument that all Britons were thus 'virtually' represented in parliament had been a crucial element in the conservative case against both an extended franchise and a reform of the representation in parliament since the 1760s.⁵⁰ After 1792, virtual representation was developed as the main counter-argument to the radical case for reform.⁵¹ It was supported by another argument based more on practical experience, and aimed specifically at the demand for an extension of the right to vote: the purpose of the propertied franchise was to ensure that the ablest men were elected to sit in parliament. 'The truth is, my friends', one anonymous article stated, 'that it is not the manner of electing in this or that burgh, or this or that county, that makes a good Parliament – it is the kind of men generally elected'.⁵² Why worry about the electoral procedure when the propertied franchise ensured that the ablest men were elected to sit in parliament? People ought to focus less on the theoretical imperfections of the election procedure and more on the practical achievements of the British parliament. 'When we are in possession of the end', one anonymous pamphleteer remarked, 'why in the name of wonder would we quarrel with the means by which we have gained it?'⁵³ Furthermore, when the existing

⁴⁸ 'A Friend of Order', *Plain Questions*, p. 8 [original italics].

⁴⁹ Young, *Essays*, p. 76.

⁵⁰ See H. T. Dickinson, *Liberty and Property*, pp. 217-18. For a discussion of the principles of virtual representation, see: *ibid.*, pp. 279-85.

⁵¹ In addition to John Young, see: 'A Lover of His Country', *An Address to The Associated Friends of the People* (Edinburgh 1792), p. 22.

⁵² *Caledonian Mercury*, 1 March 1793, 'TO THE PEOPLE OF SCOTLAND', by 'AN OLD TRADESMAN'. See also: James Thomson, *The Rise, Progress, and Consequences of the New Opinions and Principles lately introduced into France* (Edinburgh, 1799), p. 158.

⁵³ 'A Friend of Order', *Plain Questions*, p. 9.

system had produced such favourable results, why take the risk of implementing reforms, the consequences of which could not be known, merely to obtain a supposedly ideal or rational system of representation? Surely it must be better to retain an imperfect, but well-functioning arrangement, it was argued, than to hazard everything on an experiment, only to find that 'our political theories, perhaps, when too late, turn out to be impracticable'.⁵⁴ Thomas Macknight went one step further, and claimed that political reform based on untried schemes could only be expected to end in disaster:

May heaven preserve us, from the horrors of sudden and violent change! We know not the value of our blessings till we lose them. It would be well that men seriously estimated the advantages they enjoy, before they rashly yield themselves to dangerous novelties, of which the evil is certain, but the good precarious, and which, at any rate, are wholly inadequate to correct the evils they profess to remedy. - - If by a spirit of change and groundless discontent, we were unhappily to plunge ourselves, in all the miseries of anarchy, with what bitterness of regret should we look back, on our former blissful condition, then lost forever!⁵⁵

The radicals' understanding of equality was as dangerous as their concept of liberty. 'Extreme equality', the Reverend James Steven remarked, 'teaches every man to say, I am king, the next man fancies himself a king, and the third is upon an equal footing. So many kings clashing together, must end in affront, rage and bloodshed'.⁵⁶ This was precisely what had happened during the disturbances of November 1792, when the activities of radical agitators led to a 'wish for ideal equality', and was a main cause of rioting.⁵⁷ In conclusion, 'Tam Thrum' stated, it is 'not an easy matter, even for the wisest and the most virtuous of men to *make* a Government for a Nation' as the radicals were suggesting. On the contrary, the best political system was that which had come 'by degrees, as necessity requires and as the situation of the people admits', just as the British constitution had done.⁵⁸ The people 'have a right to be well governed, and to possess all the privileges of free born Britons', but 'they have

⁵⁴ Moyes, *Gratitude to God*, p. 29.

⁵⁵ Macknight, *Means of National Security*, pp. 25-6.

⁵⁶ Steven, *Public Testimony of Loyalty*, p. 20.

⁵⁷ NAS, RH2/4/65, ff. 3-7, Anonymous [?] to Henry Dundas [?], Edinburgh, 9 Nov 1792.

⁵⁸ Thrum, *Ten Minutes Reflection*, p. 8 [original italics]. This view was entirely in line with Edmund Burke's idea of evolutionary government.

no right or title to govern'.⁵⁹ Political affairs should therefore be left to those who knew best how to conduct them, and who had the necessary experience to do this. If there really were any need for reform, then it was best conducted by parliament itself, and ought to be postponed until after the war.⁶⁰

Many loyalist writers wrote to defend of both the level of taxation in Britain, and the National Debt. The defence they developed consisted of two main parts. One argument claimed that taxes, although considerable, did not constitute as heavy a burden as the radicals claimed, and that they were paid predominantly by the wealthier members of society. Moreover, they were necessary to sustain the war effort.⁶¹ Of greater relevance to the defence of the British constitution, however, was the other claim that the British financial system was essentially fair and honest. People had no reason to be concerned about the level of taxation or the size of the national debt, it was argued, when both of these were in the hands of the people's own representatives in parliament, many of whom had a stake in the debt and therefore a personal reason to make sure that the system worked well. Although the taxes paid in Britain were 'numerous', James Roger admitted, they were nevertheless 'so well regulated' that they 'cannot be called oppressive', and the national debt was merely the result of Britain having fought a sequence of just and necessary wars against the French since 1689.⁶² An anonymous pamphleteer reminded readers that 'the creditors of the nation are, for the most part our own people – British subjects', the majority of whom were 'traders, manufacturers, and artists', people who had 'trusted to the nation, as to a safe bank, the savings and earnings of the industry of their whole lives'.⁶³ Andrew Hunter argued that taxes were necessary to maintain both a government and a military defence against foreign enemies, and held it to be 'evident that government in no country can be maintained but at a very considerable

⁵⁹ *Glasgow Courier*, 13 Dec. 1792, 'To the PEOPLE OF SCOTLAND'.

⁶⁰ See for example: 'A Lover of His Country', *Address to the Associated Friends of the People*, pp. 9-11, 14, 17-18; William Dunn, *An Address by a Scotsman, to his Countrymen and Fellow Citizens* (Glasgow, 1793), p. 16; and George Hill, *Instructions afforded by the present war, to the people of Great-Britain* (Edinburgh, 1793), pp. 14-15.

⁶¹ For a discussion of this argument, see: chapter 5, pp. 221-23.

⁶² Roger, *Essay*, pp. 45, 50-1.

⁶³ 'A Friend of Order', *Plain Questions*, by, pp. 6-7. On the defence of the National Debt, see also: Thomas, *Cause of Truth*, pp. 408-14.

expenditure'.⁶⁴ A certain level of taxation was therefore inescapable in a well-governed country. It was 'an incumbent duty for subjects', one clergyman argued, 'to submit to such reasonable taxations as may be imposed for the support of public affairs'.⁶⁵ Anyone who was not convinced that Britain had a well-administered tax system, or who thought that the tax burden was unreasonably high, need only look at the arbitrary tax regimes which existed on the continent of Europe.⁶⁶

Not all loyalist pamphleteers were content to defeat the radical case by rational and pragmatic arguments alone, however. Some also took the debate to a personal level, by raising questions about the moral character of those who were promoting radical policies, and about their personal motives for doing so. It was claimed that most radicals were not men of principles, and that their true intentions were very different from those they professed in public. Andrew Hunter commented that:

Frequently the cry about abuses in government and the need for reformation in the state, is raised by worthless and seditious persons, who have either squandered away their own fortunes in vice and folly, or who have been disappointed in schemes of ambition, and are eager by such means to raise themselves to situations of honour and affluence.⁶⁷

People should be wary of the promises made by the radicals, because, far from having the best interests of the public at heart, they were in fact disgruntled misfits, who sought to revenge themselves on society by creating chaos. '[T]ell me', one anonymous pamphleteer asked, 'have you often known any of those violent Reformers good for any thing as a Merchant, a Tradesman, or a Manufacturer? ... Or was he not, generally, an idle, dissipated, vapouring fellow, harsh to his wife, neglectful to his family, a bad paymaster, and an unsafe dealer?'⁶⁸ The radicals were dishonest and evil-designing men who were not to be trusted, and nowhere was this more evident than in those corresponding societies which had 'solicited the aid, and courted the friendship of France'; thereby making themselves at least partly

⁶⁴ Hunter, *Duties of Subjects*, p. 10.

⁶⁵ 'A Clergyman of the Dissenting Interest', *Civil and Religious Subjection*, p. 11.

⁶⁶ These comparisons are discussed in chapter 5, pp. 217-18.

⁶⁷ Hunter, *Duties of Subjects*, p. 7.

⁶⁸ Thrum, *Ten Minutes Reflection*, p. 9.

responsible for the outbreak of war.⁶⁹ Moreover, the radicals were deliberately attempting to lead people astray – ‘to disturb your peace, and unsettle your minds’, as James Wemyss stated⁷⁰ – by presenting them with ‘visionary and lofty theories of innovation’, the consequence of which, should they be implemented, could only be a revolution similar to that which had taken place in France.⁷¹ Indeed, the British Convention, which sat in Edinburgh in December 1793, was repeatedly accused of promoting revolution in Britain. The Presbytery of Dalkeith, for example, stated that they had ‘observed with sorrow and indignation’ the activities of the British Convention, ‘whose open and professed design leads directly to the overthrow of the present Happy Government, and to the introduction of a Democratical Tyranny similar to that of the French, with all its dreadful consequences’.⁷² The loyalists thus came to rely increasingly on the use of the example of France to demonstrate the likely consequences of radical policies at home, should they be put into practice. By portraying the horrible effects ‘first principles’ had had in France, many loyalist writers may also have hoped to strengthen the resolve of a war-wary population. When considering the ‘evils of anarchy’, which are ‘severely felt in a neighbouring state’, John Erskine wrote in 1793, ‘ought we not take warning, from their situation?’⁷³ The radicalisation of the Revolution in France after the declaration of the Republic, and the subsequent regime of ‘Terror’, was used as solid evidence of the dangers involved in framing a new government on theoretical models and abstract principles. Loyalists proceeded to compare and contrast what they saw as the hopeless situation in France with the blissful state of Britain.

⁶⁹ Porteous, *Good Old Way*, p.12; Anonymous, *Three Words on the War* (Edinburgh, 1793), pp. 3-4; and NAS, RH2/4/84, f. 220, Robert Dundas to the Duke of Portland, Edinburgh 16 May 1798, enclosing a ‘Pastorel Letter from the Titular Bishops of the Roman Catholic Clergy in Scotland’: *ibid.*, ff. 222-23, ‘GEORGE, Bishop of Daulia, JOHN, Bishop of Oria, JOHN, Bishop of Morocco, to all the faithful, clergy and laity, under their charge’, Edinburgh, 7 May 1798.

⁷⁰ Wemyss, *Scriptural view of Kings and Magistrates*, p. 4.

⁷¹ Shanks, *Peace and Order*, pp. 21-2. One pamphlet also asked its readers whether they had known that they were ‘an *oppressed* and a *miserable* people’, before the radicals had ‘informed’ them that they were. ‘A Friend of Order’, *Plain Questions* [original italics], p. 5. For further pamphlets addressing the issue of the radicals’ motives and moral character, see: Alexander Shanks, *The Admonition against Cursing the King and the Rich* (Edinburgh, 1797), pp. 32-5; Hardy, *Fidelity*, pp. 11-12; and *Glasgow Courier*, 13 Dec. 1792, ‘To the PEOPLE OF SCOTLAND’.

⁷² *Edinburgh Advertiser*, 10-13 Dec. 1793.

⁷³ Erskine, *Fatal Consequences*, pp. 1-2.

Whereas the British political system was held to be founded on a slowly evolving constitution, which made piecemeal adaptations to suit a changing society, the French were seen to have abolished an arbitrary political regime through a violent revolution only to replace it with another. Evolution thus stood against revolution, and practice and experience against first principles and theory.⁷⁴ This difference in approach had several consequences. While the French revolutionaries claimed to represent the *will* of the people, William Porteous argued, and held this to be the fundamental principle upon which the government of a country ought to be based, the British constitution represented the collective *wisdom* of the people as it had been developed over centuries.⁷⁵ The French, who had lived for so long without any true liberty, had no real understanding of the concept, and had consequently mistaken it for unlimited freedom, or *licentiousness*. Thomas Hardy wrote that ‘there has never yet been any liberty in France. There was licentiousness in abundance ... but liberty, which implies first of all the security and protection of innocent individuals, has never yet had the reign of a day in that kingdom’.⁷⁶ Much the same could be said for equality. Under the old absolutist monarchy, the French had lived in a rigid society of orders or estates where inequality was determined by law. Although the French intellectuals undoubtedly had many theoretical ideas about equality, few Frenchmen had any practical experience of living in a society of equals. It was therefore only to be expected, that when the revolutionaries postulated universal equality, the French public would not see the subtleties of the concept, but simply believe it to mean ‘levelling’ and an equal right to plunder other people’s property – which was precisely what many of them had proceeded to do.⁷⁷ A sharp contrast was also drawn between the rule of law as it applied in Britain, and the mock trials and numerous death sentences passed by the French republican tribunals. While all Britons could expect their life and property to be safeguarded by the state and by the laws of the land, *no one* appeared to be safe from the guillotine in France – not even the leading revolutionaries. Commenting on the fall of the Girondist government in 1793, for

⁷⁴ See, for example: Thomson, *Rise, Progress, and Consequences*, p. 3.

⁷⁵ Porteous, *Good Old Way*, pp. 30-1. A similar point was made by the presbytery of Glasgow: *Warning by the Presbytery of Glasgow to the people under their charge* (Dundee, 1793), p. 7.

⁷⁶ Hardy, *Patriot*, p. 36. See also: James Wodrow, *The Measures of Divine Providence towards Men and Nations* (Edinburgh, 1794), p. 35.

⁷⁷ Thrum, *Ten Minutes Reflection*, pp. 6-7.

example, one anonymous pamphleteer stated that: 'on the 31st of October no fewer than *twenty-one* members of the Convention, and the very persons who, about six months ago, disposed of every thing at their pleasure, were publicly guillotined in the space of thirty-six minutes, *amid the applause of the people*'.⁷⁸ First and foremost, however, the loyalists were horrified at the breakdown of law and order in France, and at a situation where the *real* power in the state seemed to rest with the mob in the street. 'Be warned', the reverend James Wodrow wrote:

of the inconceivable danger of embarking in any rash, bold, untried, schemes of reforming an established government, that answers its purpose tolerably; for when the minds of the great mass of a people are once set afloat, - thrown loose from the usual restraints of religion and law, - from their wonted habits of submission to regular authority; - when once their passions are roused, and their minds thoroughly agitated, it is impossible to say, into what wild lengths of licentiousness they may run; what outrageous acts of injustice and inhumanity they may perpetrate; what ferocious habits they may quickly contract; and when or how this deplorable anarchy may terminate.⁷⁹

The anarchy and general chaos which seemed to prevail in France, together with the violent and fluctuating state of the political system there, thus provided ample evidence of where an attempt at framing an entirely new form of government based on theoretical principles was likely to lead. Genuine improvements in the government of a country, by contrast, could only be 'safe, solid, and permanent, when they come on in a very gradual way, by the slow and silent working of wisdom, reason, and experience', just as they did under the British constitution.⁸⁰ Moreover, this ought to serve as a warning to all those in Britain who thought that moderate reform could be achieved without endangering the fabric of the British constitution, since the events in France had demonstrated the consequences of 'letting loose, under the idea of Reformation, a spirit of Revolution'.⁸¹

Many of the arguments advanced by loyalists can be categorised as 'black propaganda', aimed more at smearing the French revolutionaries than at providing a

⁷⁸ Anonymous, *The First Fruits of the French Revolution* (Edinburgh, 1793), p. 15 [original italics].

⁷⁹ Wodrow, *Measures of Divine Providence*, pp. 36-7.

⁸⁰ *Ibid.*, p. 37.

⁸¹ Thrum, *Ten Minutes Reflection*, p. 8.

solid case against political reform based on first principles of government. Some loyalist pamphleteers made no pretence whatsoever at presenting a balanced case, or at giving the French revolutionaries any credit or benefit of the doubt. In the opinion of one anonymous writer:

The present philosophers of France, or rather their operative banditti, who have driven them from the stage, hasten, by the impetuosity of their conduct and politics, to the wished-for period of their government; while the deadly poison of their councils and tribunals renders its convulsions and dying agonies more violent and painful, not only to themselves, but to all Europe ... Nature shudders at the idea of their avowed principles, and sickens at the recollection of their professed sentiments, below the dignity of men, and above the malice of brutes.⁸²

‘Revolutions in State have always been attended with much bloodshed, and with great disaster’, Laurence Moyes argued. Referring to the recent example of the kind in France, he enquired: ‘Can we behold the despotic fury which characterises that pretended Republic? Can we behold the hourly murders, the rapine, the desolation, the total annihilation of every humane and tender feeling ... and wish to hasten such a dreadful crisis, in this happy land?’⁸³ Thomas Macknight claimed that ‘a Revolution, *as it is now exhibited*’ was far from producing a beneficial political change, but merely resulted in a ‘transfer of power, into new hands, accomplished, at the expence of the blood of thousands; and the new system erected on the ruins of the old, differs in nothing from what was, except in being infinitely more atrocious and tyrannical’.⁸⁴ The use of black propaganda was extended to the radicals at home, and particularly to the Association of the Friends of the People and to Thomas Paine. It was questioned whether the radical association – through the choice of its name – was trying to insinuate that the current rulers of Britain were not friendly towards the people,⁸⁵ or that by appropriating the ‘proud *Title of the British Convention*’, they were hoping to overturn the constitution and introduce in Britain ‘such a republican

⁸² Anonymous, *A Short view of the Politics of France* (Edinburgh, 1794), p. 21.

⁸³ Moyes, *Gratitude to God*, p. 30.

⁸⁴ Macknight, *Means of National Security*, p. 19 [original italics]. See also: Carlyle, *National Depravity*, pp. 15-16.

⁸⁵ Somerville, *Observations*, p. 45. See also: *Caledonian Mercury*, 8 April 1793, Editorial: ‘FRIENDS TO THE PEOPLE’.

anarchy as that of France'.⁸⁶ Thomas Paine was described as 'an itinerant political quack',⁸⁷ and held to be 'an avowed disturber of the public peace', who 'glories in his shame' and 'wishes to strike at the root of all governments that are contrary to his libertine principles'.⁸⁸ While much of this propaganda was unjustified, there was a grain of truth in most of it. As far as the references to actual events in France were concerned, they were at least based on irrevocable and correct information. Nowhere was this more evident than with respect to the two events which were most used to blacken the image of the French revolutionaries – the execution of the French royal family, and the National Convention's decision to 'abolish' religion.

Regicide was a deed which struck horror in most people in the eighteenth century, and the execution of the French king in January 1793 consequently played a major role in turning the majority of people in Britain against the French revolution.⁸⁹ Most loyalist writers were probably as appalled as everyone else at the execution of Louis XVI and Marie Antoinette, but, while they may have been genuinely shocked and disturbed by these events, they were not oblivious to the opportunity it gave them of bolstering their own conservative case against reform at home and for a continued war on France. The executions were evidence of the dangers involved in a political revolution, as well as the depravity of the French revolutionaries. While it is unlikely that many British loyalists would have had much sympathy for either Louis XVI or the French absolutist monarchy *before* the Revolution in 1789, in the 1790s, they were determined to defend the French monarch. The lives and melancholy fate of both the French king and queen were sentimentalised in loyalist literature, and an image was presented of a benevolent ruler and virtuous consort, whose lives had been cut short by the deplorable acts of a

⁸⁶ Carlyle, *National Depravity*, p. 22.

⁸⁷ 'A Highlander', *A Letter to Thomas Payne, Esq.* (Edinburgh, 1792), p. 2.

⁸⁸ 'A Lover of His Country', *Address to the Associated Friends of the People*, p. 4. Another anonymous writer stated that 'Every mark of respect given to him [Paine] is an affront to the constitution, the king and the people; for he pours out his low abuse indiscriminately upon all these. Good men of all ranks must abhor his false principles and idiotical schemes'. Anonymous, *Mr. Paine's Principles*, p. 38.

⁸⁹ Emma Vincent Macleod, *A War of Ideas: British Attitudes to the Wars Against Revolutionary France 1792-1802* (Aldershot, 1998), p. 184.

gang of hardened criminals.⁹⁰ 'Louis XVI. Shall not fall unlamented', Thomas Somerville wrote in 1793, and he predicted that:

His unmerited degradation; his insulted dignity; his cruel captivity; and the last tragical scene shall often be recollected, in the closet and in the theatre, with grief and horror. His predominant love to his people, the unexampled sacrifices by which it was demonstrated, his patience, magnanimity, and piety; shall consecrate his memory to the admiration of posterity; and devote that his ferocious murderers to everlasting infamy and abhorrence.⁹¹

Louis XVI was held to have been 'the most moderate of the French princes',⁹² and 'the kindest Sovereign that ever sat on their throne'.⁹³ By his execution, the French – 'once believed to be civilized' – had committed the awful crime of 'putting to death that Sovereign who desired their happiness'.⁹⁴ The treatment of the French queen was no less deplorable. 'Even Queen Marie Antoinette whose beauty and misfortunes would have disarmed a robber and drawn tears from a savage', James Roger lamented, 'was forced to surrender her delicate person to the awful ax of death'.⁹⁵ This had occurred under the most degrading of circumstances: 'After fifteen months imprisonment, prolonged for no purpose but to insult and torment her', and during which she had been 'separated from her children', one anonymous pamphlet exclaimed, 'the wretched and helpless widow' of the French monarch was brought to the scaffold only to be 'exposed to the insults and reproaches of all her enemies, and of the vilest of the people'.⁹⁶ Distressing as these executions were in themselves, people should also be aware of their potential long-term consequences, Thomas Somerville warned: 'what prince will dare to hazard the slightest relaxation, or resign the minutest particle of his power, in concession even to the just and reasonable demands of his people?'⁹⁷ The actual effects of the French Revolution thus seemed to

⁹⁰ For a comprehensive discussion of the sentimentalisation of the fate of Louis XVI, see: John Barrell, *Imagining the King's Death: Figurative Treason, Fantasies of Regicide 1793-1796* (Oxford, 2000), chapter 1: 'The Last Interview', pp. 49-86.

⁹¹ Somerville, *Observations*, p. 76.

⁹² Roger, *Essay*, p. 23.

⁹³ Anonymous, *First Fruits*, p. 17.

⁹⁴ *Warning by the Presbytery of Glasgow*, p. 5.

⁹⁵ Roger, *Essay*, p. 25.

⁹⁶ Anonymous, *First Fruits*, p. 17. See also: Anonymous, *Short view of the Politics of France*, p. 27.

⁹⁷ Somerville, *The Effects of the French Revolution with respect to the interests of Humanity, Liberty, Religion and Morality* (Edinburgh, 1793), p. 44.

be very different from those the revolutionaries had predicted at the outset in 1789. Considering the many atrocities which had been committed after 1792, as well as the general development of events in France, few loyalists held any doubts that Britain was justified in fighting a war against the French Republic.

It was, of course, the French who had declared war on Britain and not the other way around, which made it legitimate for the British to fight in their own defence. Although ‘no war is in itself agreeable’, James Roger admitted, ‘what law human or divine forbids self defence?’⁹⁸ Yet, the horrors of the Terror in France also made the war justified on a different level. By fighting the republican government, the British were in fact showing themselves to be the true friends of the French people. One anonymous pamphlet claimed that there was nothing wrong with the French people in general. Rather the problem was that when the old regime in France fell, ‘a few desperate, abandoned men’ seized the opportunity to stand up and ‘impudently call themselves the *People*’.⁹⁹ The Reverend James Hall made this point very clear, stating that ‘it is not against the French nation that the people of Great Britain have declared war. It is only against those destroyers of the peace of nations, by whom the people of France are also, at this moment, enslaved’.¹⁰⁰ The logical conclusion of Hall’s statement was that Britain had a moral obligation to remove the republican regime in France once the war had been won. Although Hall did not make this point explicitly, some loyalist writers thought that the French constitution of 1791 could be seen as the last standing ‘deed’ of the French nation before the situation had descended into chaos, and therefore it ought to be restored.¹⁰¹ There does not seem to have been a consensus among loyalist writers in Scotland on this issue, however, and to interfere in the internal affairs of France in this manner did not become government policy until after 1802.¹⁰²

⁹⁸ Roger, *Essay*, pp. 56-7. As Michael Duffy has pointed out in his article on British diplomacy, the situation was not quite that straightforward, and that – once the French were in possession of Belgium – ‘Grenville concentrated on manoeuvring the French in to appearing the aggressors who made the actual declaration of war, a task successfully achieved on 1 February 1793’. Michael Duffy, ‘British Diplomacy and the French Wars 1789-1815’, in *Britain and the French Revolution 1789-1815*, ed., H. T. Dickinson (London, 1989), p. 130.

⁹⁹ Thrum, *Ten Minutes Reflection*, p. 14 [original italics].

¹⁰⁰ Hall, *David and Goliath*, p. 15.

¹⁰¹ Young, *Essays*, p. 138. See also below, section V.

¹⁰² Edmund Burke is the best known of those who advocated a war policy aimed at overthrowing the French Revolution, but his ‘crusading ideas’ were not adopted by the government until the Napoleonic

The French revolutionaries' attitude to religion caused almost as much astonishment and dismay in Britain as did the execution of the French king and queen, and it was particularly the introduction of the new republican calendar on 5 October 1793 – with the implications this had for religious worship – that was met with widespread consternation. Although concerns had been aired over the treatment of the French clergy from the very beginning of the Revolution, the arrangements of the new calendar, whereby all Christian holidays including Sunday was abolished, went a far step further towards atheism, and confirmed in the minds of many that the French revolutionaries were ungodly men. For loyalist pamphleteers this presented a situation similar to that which had arisen after the execution of the French king earlier in the year. While many of them were undoubtedly as shocked as the general public over this recent development in France, they were aware of the opportunities it gave them for scoring political points at home. Most eighteenth-century British loyalists believed that religion played a crucial role in maintaining good government and a stable and prosperous society, and the attack on religion in France was therefore clear evidence that the French revolutionaries were neither working in the best interest of their own country, nor presenting an example worth following. Moreover, knowing the strong position religion held in Britain, they proceeded to denounce the latest actions of the French National Convention.

The legislators of France had first 'banished religion from their assemblies', James Steuart wrote, and were now 'using every effort to banish it from their native land, while they glory in the horrid and impious character of ATHEISTS'.¹⁰³ In the opinion of the presbytery of Glasgow, the French revolutionaries had 'defamed religion',¹⁰⁴ while Thomas Macknight held that by 'annulling the services of religion', the National Convention was in fact 'cruelly wresting from man, the only balm of all his miseries, the belief of happiness after death!'.¹⁰⁵ One anonymous

War. See: Macleod, *War of Ideas*, p. 28. Cf. Michael Duffy, who has argued that 'the overthrow of revolutionary government in France was always the most expendable of British objects' in the wars fought against France from 1793 to 1815. Duffy, 'British Diplomacy', p. 134.

¹⁰³ James Steuart, *A plan for Reform, Proposed to the Christian People* (Glasgow, 1793), p. 21 [original capitals].

¹⁰⁴ *Warning by the Presbytery of Glasgow*, p. 5.

¹⁰⁵ Macknight, *Means of National Security*, p. 32.

newspaper article emphasised the uniqueness of this most recent development in France, but added that it was only to be expected:

This I believe, is the first time that any Government issued decrees for the abolition of all religion, and for the propagation of atheism in the world. It was not, indeed, unnatural, that a set of men calling themselves rulers of a nation, who had begun with overthrowing all civil order in a state, should end in making war against Heaven.¹⁰⁶

Other loyalists held the revolutionaries' disrespect for religion to be the main reason behind the chaos, anarchy and violence which plagued France. In Thomas Hardy's opinion, religion formed 'the great bond' of civil society, whereby due respect for life, liberty, property, and law and order was upheld, and when its role in society was undermined in the way it had been in France, the consequences would be very serious indeed:

In this state of the human mind, all the relations of life will be left unprotected by principle; there will be no ready submission to lawful authority for conscience sake; no respect to the rights of property as they are guarded by justice ... no horror at the introduction of anarchy, and at the sufferings of families in civil broils; no remorse in directing the scenes of ruin and bloodshed.

The French people had been 'cheated out of religion' by their revolutionary leaders, and this was the true 'origin of the whole', Hardy concluded.¹⁰⁷ For the people of Britain, this ought to serve as a warning, but according to the synod of Glasgow and Ayr, there were already worrying signs to be observed at home. While they found themselves 'deeply afflicted with the mournful state of religion in France', the members of the synod claimed that they were 'still more afflicted and alarmed by considering that men have been found even in Scotland who are capable of embracing with zeal, and of spreading with industry, those very principles which in France have produced anarchy in the state, and the effusion of much human blood, which have prepared the way for infidelity, blasphemy, and atheism'.¹⁰⁸ Indeed, when the experience of France demonstrated so clearly the disastrous consequences

¹⁰⁶ *Caledonian Mercury*, 23 Nov. 1793, article entitled: 'ABOLITION OF THE LORD'S DAY'.

¹⁰⁷ Hardy, *Importance of Religion*, pp. 12-24 [quotes: pp. 13, 18].

¹⁰⁸ *Edinburgh Evening Courant*, 24 April 1794, 'Pastoral Admonition and Exhortations by the Synod of Glasgow and Ayr', 9 April, John Lockhart, Moderator.

of an attempt at achieving political reform, based on dubious principles and orchestrated by men of questionable integrity, the people of Britain ought to think carefully about the moral state of their own country before they embarked on any kind of reform of the political system at home.¹⁰⁹ The question to be asked was whether the British nation had reached that level of moral reformation which was necessary to conduct political reforms without hazarding the safety and stability of society. In the opinion of most loyalists it had not. A line of argument, adopted by many loyalists – and particularly by clergymen – was that a reform of ‘manners and morals’ was necessary before, or even instead of, political reform.

IV

‘Manners & Morals’, and the use of Religion

It was argued by those loyalists who raised ‘manners and morals’-type arguments, that no successful reform of the political system could be achieved until the moral character of the British population had been revived and improved. It was consequently fool-hardy and irresponsible of the radicals to campaign for political changes so long as the country remained in a generally unreformed state. Rather than complain about alleged abuses in the British constitution, or the supposedly corrupted nature of Britain’s political class, the radicals – as well as the people in general – ought to focus on themselves and on their own moral improvement. An anonymous article printed in the *Edinburgh Evening Courant* in December 1792 was probably among the first to raise the issue of personal reform, and presented all the basic elements of the manners and morals-argument:

Sir, I PROFESS myself a friend to real liberty and the constitution, but I cannot help thinking that if the present race of men, who set themselves up for State Reformers, would apply their attention as earnestly to the reformation of their own households, to the religious and moral conduct of their families, they would experience more substantial happiness themselves, and bequeath to their posterity

¹⁰⁹ Wodrow, *Measures of Divine Providence*, pp. 45-9. For further references to the French National Convention’s ‘abolition’ of religion, see: Thrum, *Ten Minutes Reflection*, pp. 13-15; and *Caledonian Mercury*, 7 Nov., 19, 28 Dec. 1793.

superior blessings, than obtaining an ideal liberty, which would most probably lead to, and terminate in, licentiousness and ruin.¹¹⁰

Others chose to focus on the futility of attempting to improve the political system in a country where private morals left so much to be desired. William Dunn, for example, argued that ‘a political reform, even though necessary, without this previous improvement of private manners, is a vain, an impossible undertaking’.¹¹¹ Another pamphleteer held that greater prosperity, and ‘*more peace*’ would be achieved if the radicals had been ‘as active and zealous in reforming their own hearts and lives as the laws and government of the kingdom’.¹¹² One loyalist clergyman wondered why – in an age of unparalleled focus on reform – ‘the only radical and effectual one’, a reform of ‘heart and conduct’, of manners and of the soul should have become so ‘entirely forgotten’.¹¹³ At least one pamphlet suggested that a thorough reformation of personal morals would render political reform unnecessary, since any abuses or imperfections that there might be in the British constitution would be rectified once the people had become more virtuous. This argument, however, rested on the assumption that no minister could govern ‘for any length of time, without *possessing the confidence of the people*’. Moreover, as long as the people remained corrupt, so would their rulers, but once the people had been morally purified, ‘the corruption of their *rulers must decrease*’. If this was the case, it followed naturally that the best way of reforming the political system would be for every individual to begin with his own personal moral improvement.¹¹⁴ A few pamphleteers made personal moral reform the central point in their argument. The clergyman James Steuart envisaged the possibility of achieving a ‘universal’ reform by instigating moral reform on the personal level first. A process might be started, he thought, whereby individual moral reform could be extended into that of the family, and further on to ‘SEMINARIES and SCHOOLS OF LEARNING’, until it would gradually reach ‘CHURCH AND STATE’ and eventually produce ‘UNIVERSAL

¹¹⁰ *Edinburgh Evening Courant*, 27 Dec. 1792, ‘To the PRINTER’, by ‘BOB SHORT’, Edinburgh, 24 Dec. 1792 [original capitals].

¹¹¹ Dunn, *Address by a Scotsman*, p. 13.

¹¹² Wemyss, *Scriptural view of Kings and Magistrates*, p. 36 [original italics].

¹¹³ William Laurence Brown, *The Influence of Religion on National Prosperity* (Aberdeen, 1796), p. 44.

¹¹⁴ Anonymous, *New Year’s Gift*, p. 19 [original italics].

REFORM'. Only such a gradual development – beginning with the individual – could yield a successful reform of politics on the national level, Steuart claimed.¹¹⁵ As evidence of the potentially dangerous consequences of attempting to make political changes without a previous reform of manners and morals, he referred to the recent developments across the English Channel, where the French Revolution seemed to have descended into chaos, anarchy and bloodshed, precisely because extensive political reform had been initiated in 'an infidel, a corrupt and debauched nation'.¹¹⁶ Underlying this generally poor state of moral integrity in France, Steuart argued, was the French revolutionaries' lack of respect for religion: 'One thing we may certainly predict that their political fabric, however beautiful and magnificent it may appear, will be of short duration, because it is not built upon that solid and true foundation that gives strength and stability to Empire; *a reverence for God and Religion!*'¹¹⁷ This emphasis on religion as the fundamental building block of the state was perhaps the logical conclusion of an argument which focused on moral reformation.¹¹⁸

For loyalist clergymen, however, religion was not merely seen to form the basis of civil society, but also to contain, in itself, a rich source of arguments against political reform and in favour of retaining the existing form of government in Britain without alterations. We have already seen that sermons made up a substantial part of loyalist literature, and it is clear that by addressing issues of a political nature, while preaching to their congregations, many Scottish clergymen were deliberately using religion to promote certain political views. Emma Vincent has argued that these preachers were, in their own opinion, justified in doing so on the grounds of three main spiritual principles: those of 'divine sovereignty – the belief that God ruled over the world and intervened according to His will'; the view that 'sin is the cause of all

¹¹⁵ Steuart, *A plan for Reform*, p. 5 [original capitals].

¹¹⁶ *Ibid.*, p. 20.

¹¹⁷ *Ibid.*, p. 21 [original italics].

¹¹⁸ Both Brown and Wemyss reached similar conclusions. Although particularly favoured by clergymen, the 'manners and morals'-type arguments also fitted into the broader context of the loyalist campaign. In Hannah More's 'Cheap Repository Tracts', for example, a main underlying message was that – rather than meddling in the affairs of government – people ought to concentrate on their own lives, on working hard, and on looking after those around them. For Hannah More's text, see: H. T. Dickinson, *Politics and Literature in the Eighteenth Century* (London, 1974), pp. 210-15. Further arguments on manners and morals can be found in: *Caledonian Mercury*, 21 Aug. 1797, 'SIGNS OF THE TIMES. TO THE PRINTER', by 'AN OLD CORRESPONDENT'.

national evils' precisely because God would intervene and punish those nations which rebelled against His laws; and that 'national repentance' was necessary to regain God's favour. On the basis of these three principles, Vincent writes, loyalist ministers concluded that 'religion was not in fact separate from politics', and that they were consequently justified – as clergymen – in promoting that particular political ideology in which they found support for their own interpretation of scripture.¹¹⁹ For most ministers, this simply meant giving their wholehearted support for the political regime in Britain as it stood at the present moment, and nothing further, but some were also prepared to allow the principle of allegiance to existing political arrangements a more universal application. One minister, who published his sermon anonymously, argued that *all* governments were ordained by God, not created by man, and therefore ought to be respected as they appeared. God had given 'man power over man in various respects', he reasoned, and these arrangement were not to be altered by men: 'To the father he gave power over his children, to the master over his servants, and in the body politic, of whatever kind the government may be, whether monarchical of one, aristocratical of many and best, or democratical. That which is supreme under GOD in either of these, is immediately from him'.¹²⁰ It followed naturally from this viewpoint that Christians had a duty to submit to their 'superiors in office, and act the part of dutiful subjects towards them, whatever their persons be; even though strangers to CHRIST the LORD, and enemies to his kingdom'.¹²¹ Any other course of action would constitute an act of disobedience to the law of God, and was therefore a sin. Although this argument came very close to the kind of reasoning resorted to by the defenders of absolute monarchy, and for that reason may not have been supported by all loyalists, it nevertheless provided a convenient platform upon which it was possible both to defend the British constitution and to criticise the French revolutionaries. Furthermore, the emphasis this sermon placed on the *duties* of subjects, rather than on their *rights*, was one shared by most ministers, and was typical of the approach adopted by loyalist clergymen. These duties could be divided into two broad

¹¹⁹ Vincent, 'Scottish Churchmen', *SHR*, 73 (1994), 195-97. See, for example: Carlyle, *National Depravity*, pp. 2-9.

¹²⁰ 'A Clergyman of the Dissenting Interest', *Civil and Religious Subjection*, p. 4.

¹²¹ *Ibid.*, 6.

categories; that of being 'loyal and submissive subjects of the realm', and of practising the 'private virtues which would lead to national prosperity'.¹²² As far as the first category was concerned, the duty rested on the relationship between sovereign and subjects, as it had been ordained by God. Since a lawful 'sovereign power' provided every subject of the realm with 'a right to be protected in his person and property, his liberties and privileges, and in the exercise of his religious principles', men owed their 'ready support and assistance' in return, 'for without this he should be unable to discharge his duty in behalf of his people'.¹²³ Unless people showed due submission and obedience to lawful authorities, it would not be possible for them to rule according to the laws of God, and anarchy was the likely result. The second category consisted of such personal improvements as a conscientious 'observance of religious duties, piety, industry, sobriety, justice and the faithful discharge of public duties and offices'.¹²⁴

To demonstrate that religion did in fact support the political *status quo* as they claimed it did, loyalist ministers referred to biblical passages or made citations from the Bible, which 'proved' that the defence of the British constitution was morally right, and that demands for reform were wrong. *Proverbs 24:21*: 'Fear thou the Lord, and honour the King, and meddle not with them that are given to change' was a particularly revered quote, and was used extensively to warn the public against giving any kind of support to the radicals – precisely because they *were* men who were 'given to change'.¹²⁵ *Romans 13* and *1 Peter 2* were often used in a similar fashion to exemplify the duties subjects owed to magistrates.¹²⁶

V

The Dilemma of Loyalist Ideologues

Although the loyalist writers of the 1790s were able to present a largely coherent case against political reform at home and in favour of a continued war on France,

¹²² Vincent, 'Scottish Churchmen', *SHR*, 73 (1994), 199.

¹²³ 'A Clergyman of the Dissenting Interest', *Civil and Religious Subjection*, p. 10.

¹²⁴ Vincent, 'Scottish Churchmen', *SHR*, 73 (1994), 199.

¹²⁵ *Ibid.*, p. 206. See for example: Carlyle, *National Depravity*, p. 33; Hardy, *Fidelity*, p. 20; Porteous, *Good Old Way*, p. 33; Shanks, *Peace and Order*, p. 21; and Thomas, *Cause of Truth*, p. 437.

¹²⁶ Vincent, 'Scottish Churchmen', *SHR*, 73 (1994), 199.

they faced one significant problem. By condemning the French revolutionaries as evil-minded men, claiming the Revolution in France to have been an unnecessary folly and arguing that domestic radicals and reformers were only wishing to replicate French horrors in Britain, loyalist pamphleteers were creating a dilemma for themselves. The logical conclusion to their line of argument against revolution would be support for the old regime in France, and an insistence on the restoration of the French monarchy as soon as possible. Yet, few were prepared to defend the *ancien régime* in France, and many were also aware that conservative writers had previously viewed the French monarch as the arch-example of the absolute despotism they all loved to abhor. In essence, therefore, the loyalists had to solve the problem of how they could mount a convincing criticism of a revolution, which had overthrown a regime they had previously condemned. Those loyalist writers who took the trouble to address this issue devised different solutions to the problem, not all of which were likely to have been approved by the government and, in some cases, such attempts at solving the dilemma may only have handed more ammunition to the radicals.

Thomas Somerville presented probably the most intellectually persuasive argument. In his opinion, a distinction ought to be drawn between the first and second revolutions in France – those of 1789 and 1792 respectively. ‘It is not easy to conceive’, he argued, ‘how any person of feeling, acquainted with the wretched condition of France for several centuries past, occasioned by the despotism of the prince, and the complicated, diffusive tyranny of a multiplied, and multiplying aristocracy, can dispute the propriety, the justice, the indispensable necessity of a revolution there’.¹²⁷ Indeed, the ‘deliberation, temper, and ability, with which the first revolution was concerted and formed’ had given every observer reason to be optimistic about the future.¹²⁸ If only the first French constitution of 1791 had been properly established, Somerville claimed, it might have become ‘a model to foreign states and kingdoms, or at least have produced some abatement in the rigours of the arbitrary governments through Europe’.¹²⁹ The revolution of 1789 was therefore little more than a corrective to one of the most despotic governments of Europe.

¹²⁷ Somerville, *Observations*, p. 58.

¹²⁸ *Ibid.*, p. 65.

¹²⁹ Somerville, *Effects of the French Revolution*, p. 44.

Unfortunately, however, the French had not been able to stop at a moderate revolution, but had proceeded with far more radical changes in 1792, the consequence of which had been to ‘open a door for that anarchy which constitutes the last state of human depravity, and wretchedness’.¹³⁰ Somerville was particularly shocked by the execution of Louis XVI, which he saw as a turning point in this respect, but otherwise he made no attempts to explain *why* the events in France had spiralled out of control, or what could have been done to avoid this outcome. Such an explanation was, however, attempted by Adam Whyte of Glasgow, in a pamphlet he had published one year earlier. Although Whyte did not emphasise so clearly the distinction between the first and second revolutions in France as Somerville would later do, he nevertheless stated that ‘no man rejoiced more sincerely than I did, at the opening of the French Revolution’, which had promised to deliver the French from ‘a most oppressive and tyrannical Government’. He consequently regretted ‘that by *reducing things to first principles*, they should have lost the fairest opportunity that ever was presented to a nation, of rendering themselves free, and great, and happy’.¹³¹ Adhering to first principles in matters of government was, of course, a recipe for disaster in the opinion of most loyalist pamphleteers. John Young argued that the French people had legitimately chosen ‘a hereditary limited monarchy’ as their preferred form of government through the constitution of 1791 – a decision to which Britain had no objections. But the events of 10 August 1792, when the ‘the government of France was totally overturned ... by an armed mob from the suburbs of Paris’, were entirely unjustifiable, and consequently opened for a foreign intervention to restore the government instituted by the constitution.¹³² The problem with the argument put forward by these pamphleteers was that by approving of the first revolution in 1789, and the subsequent constitution of 1791, they were automatically accepting the *principle* of revolution as a means of achieving political change.¹³³ Other pamphleteers therefore tried to solve the dilemma without

¹³⁰ *Ibid.* See also: *Ibid.*, p. 20.

¹³¹ Whyte, *Political Preaching*, p. 11 [original italics].

¹³² Young, *Essays*, p. 138.

¹³³ Given the Glorious Revolution it was difficult to denounce moderate revolution altogether, but many loyalists were none the less reluctant to accept revolution in principle.

approving of *any* of the political changes that had taken place in France from the point when the Third Estate declared itself to represent the nation.

An anonymous article in the *Glasgow Courier*, for example, admitted that ‘the French nation had been ruled for many centuries with a rod of iron’, but it questioned whether ‘the actions of the French, since their emancipation, recommend them to the imitation of any humane or civilized people?’¹³⁴ Another anonymous writer argued that, although the old French government had contained ‘many faults’, the changes wrought by the revolution had only made matters worse,¹³⁵ while James Roger took a more positive view of the French monarchical government. In his opinion, the French monarchs, ‘bad as some of them were, they were not worse upon the whole than other European kings’, and their rule could not justifiably be described as tyrannical.¹³⁶ Evidence to support this view, Roger argued, could be found in the actions of Louis XVI, who had summoned the Estates General in 1789 in order to hear the complaints of his subjects and to ‘grant their reasonable requests’. It was neither the fault of the king, nor of his ministers, that there were ‘many turbulent and factious’ men present among the representatives of the French nation, ‘who enjoyed in their polluted imaginations an increase of pleasure from the magnitude of political mischief they could produce’.¹³⁷ The French government had initiated moderate reform, but evil-minded men had seized the opportunity to take advantage of a confused situation and had brought about a revolution, the consequence of which had been to steer the country towards chaos and anarchy.¹³⁸ Other pamphleteers were less concerned about such nuances in the arguments they presented. The reverend Thomas Burns held the French to have ‘long been the plague of Europe. They were so under their monarchy, they are now tenfold more so, under their shockingly corrupt democracy’.¹³⁹ William Porteous stated that ‘the people of France were a giddy, dissipated and oppressed people, partly

¹³⁴ *Glasgow Courier*, 13 Dec. 1792, ‘To the PEOPLE OF SCOTLAND’, by a ‘FELLOW SUBJECT’.

¹³⁵ Thrum, *Ten minutes Reflection*, p. 15.

¹³⁶ Roger, *Essay*, p. 22.

¹³⁷ *Ibid.*, p. 23.

¹³⁸ Roger’s view was supported by at least one anonymous pamphleteer who claimed that French had ‘changed a mild monarchical administration into a wild and barbarous democracy’. See: Anonymous, *Politics of France*, p. 21.

¹³⁹ The Rev. Thomas Burns, *An humble attempt to make men grateful to God for mercies received* (Glasgow, 1799), p. 9.

superstitious, and partly destitute of religion', who had tried to throw off 'the yoke of tyranny', but in the process they had discarded all experience, religion and government, and laid down the foundations of a system where 'public expediency is the true and only standard of right and wrong'.¹⁴⁰ The editor of the *Edinburgh Evening Courant* made a similar statement, claiming that: 'The rage of despotism in France is no more. But tyranny has only assumed another and more terrific form',¹⁴¹ while an anonymous pamphlet made its point in even simpler terms. Since it had been 'long the glory and happiness of Great Britain to *resist the efforts of the French nation*, to impose upon us, *Popery, Slavery, and Arbitrary Power*', it should be 'no less our interest, to counteract the attempts *they may now make*, to introduce among us, REPUBLICAN AND LEVELLING principles'.¹⁴² The French had been, and were still, a threat to British liberty and prosperity, and all French influences ought therefore to be resisted.

VI *A Scottish Ideology?*

Although Scottish loyalist pamphleteers took part in a British debate, and addressed issues of a British nature, this did not stop them from sometimes adapting their arguments to a Scottish audience, or from bringing in particularly Scottish examples and elements in their pamphlets. Efforts were made to view the events in France in a Scottish context, or to explain them so that they would become more easily understandable for ordinary Scots, and comparisons were drawn between well-known events in Scottish history and those currently taking place across the English Channel. An anonymous pamphlet from 1793, for example, addressed the French republican government's brutal defeat of the city of Lyon – a royalist stronghold – and the subsequent execution of many of its inhabitants after it had fallen: 'It is to be remarked, that Lyons was one of the most wealthy and industrious towns in the kingdom, – the largest city after Paris, and contained upwards of two hundred thousand inhabitants, – that is more than three times as many as the city of

¹⁴⁰ Porteous, *Good Old Way*, p. 27.

¹⁴¹ *Edinburgh Evening Courant*, 20 Sept. 1792.

¹⁴² Anonymous, *New Year's Gift*, p. 23 [original italics and capitals].

Edinburgh'.¹⁴³ Another anonymous pamphlet compared the imprisonment and execution of the French queen, Marie Antoinette, with the fate of the Scottish queen, Mary Stewart, whom, it was argued, 'by the laws of justice ought to have swayed a the sceptre of England'.¹⁴⁴ Another writer argued that 'The Friends of the People' was no more representative of the people of Scotland than the old Scots parliament had been.¹⁴⁵ Oliver Cromwell was used as a reference point by some in an attempt to better convey to their Scottish audience a true sense of that brutality and ruthlessness they saw as prevalent in France under the leadership of Robespierre and the Committee of Public Safety. The *Edinburgh Evening Courant*, for example, claimed in April 1794 that 'the French Constitution is rapidly approaching to the *Cromwellian* system',¹⁴⁶ and commented on the death of Robespierre that he had 'had a design of making himself the Cromwell of this country'.¹⁴⁷

Other commentators chose to focus on the benefits the Scots had obtained from the Union of 1707, and on why the defence of the British constitution was in the particular interest of the Scots. An anonymous article printed in the *Glasgow Courier* in December 1792 asked its readers to 'review the history of Scotland – When were her natives happy?' Was it in the seventeenth century, when she was ruled by 'indigent and wretched Princes', and when 'all was gloom, desolation, and despair', or was it in the present when Scotland enjoyed the 'security of person, property, and reputation' under the British constitution? Clearly, the answer had to be that Scotland was currently in a better situation than ever before in her history, and when this was the case: 'are we to hazard the change of a system so manifestly productive of the greatest happiness that this or any other people ever enjoyed?'.¹⁴⁸ A related point was made by John Young, who argued that a reform of the representation in parliament was unlikely to be to the benefit of Scotland, since 'we could not enjoy an equal share of it'.¹⁴⁹ Scotland's relative representation in parliament, and thereby some of her influence in British politics, would not be

¹⁴³ Anonymous, *First Fruits*, p. 11.

¹⁴⁴ Anonymous, *Politics of France*, p. 27.

¹⁴⁵ 'A Lover of His Country', *Address to the Associated Friends of the People*, p. 20.

¹⁴⁶ *Edinburgh Evening Courant*, 17 April 1794 [original italics].

¹⁴⁷ *Ibid.*, 30 August 1794. See also: Anonymous, *Politics of France*, pp. 31-2.

¹⁴⁸ *Glasgow Courier*, 13 Dec. 1792, 'To the PEOPLE OF SCOTLAND', by a 'FELLOW SUBJECT'.

¹⁴⁹ Young, *Essays*, p. 92.

improved by an increase in the number of MPs, or a redistribution of seats, Young claimed, since the fall-out of such reforms was likely to be primarily to the benefit of some areas in England. The Union arrangement had ‘limited’ the Scottish representation to 45 MPs, but a reform which increased the number of MPs was none the less likely to worsen the *relative* Scottish position in the House of Commons, even if more seats were granted to Scotland, since the English population was much greater. The safest bet for the Scots was therefore to resist any attempts at reform.¹⁵⁰ James Roger also conceded that the Scottish representation in parliament – in both Houses – was small, but thought that this was compensated for by the very modest tax burden Scotland carried. He went on to list a number of alleged advantages which had followed in the wake of the Union; such as the ‘establishing of Schools in the Highlands of Scotland’, the break up of the clan society there ‘which forbade industry and excluded civilization’, the offering of ‘premiums on flax, linen, and fisheries’ as well as the more recent removal of ‘a severe tax on coals carried coastwise’.¹⁵¹ Efforts were also made to adapt the actual language of loyalist literature to a Scottish audience and to make it understandable for ordinary Scots. Hannah More’s *Cheap Repository Tracts* – which formed such a prominent part of the loyalist propaganda campaign in England, and were aimed at conveying a loyalist message to the general public – were translated into Scots dialect and revised to fit a Scottish setting, only shortly after they had been published in England.¹⁵²

VII

British patriotism in Scotland

While it was evident that the union of parliaments of 1707 had meant the establishment of a genuinely British state in a way the union of crowns in 1603 had never done, it was not clear that the inhabitants of Britain would necessarily develop any deep-seated allegiance to this new state, or that they would come to see themselves as ‘British’. The question of whether such a truly *British* identity ever

¹⁵⁰ *Ibid.*, pp. 84-92.

¹⁵¹ Roger, *Essay*, pp. 35, 43-44. On the removal of the Coal Tax, see: Chapter 5, section VI.

¹⁵² Tam Thrum, *Look before ye Loup; or A Healin’ Sa for the Crack it Crowns of Country Politicians* (Edinburgh, 1793).

emerged among the inhabitants of Great Britain has been debated by historians, and has attracted increasing interest in recent years. Linda Colley has promoted the argument that a British identity *was* forged in the eighteenth century, primarily as a consequence of, and in response to, the long succession of wars Britain fought against France.¹⁵³ The near permanent threat posed by French military might encouraged the inhabitants on the British mainland to put their internal differences aside and unite against ‘the Other beyond their shores’. Crucial to this development, Colley argues, was the ability of the Scots, English and Welsh to define themselves as ‘Protestants struggling for survival against the world’s foremost Catholic power’.¹⁵⁴ Britishness was therefore an identity created by the existence of this external threat, combined with the unifying bond of Protestantism at home.¹⁵⁵ While Colley’s thesis has been influential for the general interpretation of Britishness, Colin Kidd has addressed the issue from a specifically Scottish angle. In his opinion, a more distinctive ‘North British’ identity was developed in Scotland in the eighteenth century, whereby enlightened Scots rejoiced in the benefits of the Union with England. The Union had won English liberties and constitutional rights for Scotland, and ensured their ‘liberation from anachronistic feudal institutions’.¹⁵⁶ North Britishness thus had a strong and definite anglocentric bias, which made it more of an Anglo-British than an Anglo-Scottish identity,¹⁵⁷ but this was to some extent compensated for by Scottish pride in their contributions to the Union after it had been formed. Scottish achievements in ‘arms and letters’, that is, the intellectual achievements of the Scottish Enlightenment and the martial prowess of the Highlanders in particular, was held to have played a major role in the advancement of the British state in the eighteenth century.¹⁵⁸ To an extent, Janet Adam Smith has argued, the Scottish gentlemen of the Enlightenment were trying to demonstrate their

¹⁵³ Linda Colley, *Britons: Forging the Nation 1707-1837* (London, 1992).

¹⁵⁴ *Ibid.*, pp. 5-6.

¹⁵⁵ See also: Frank O’Gorman, *The Long Eighteenth Century: British Political and Social History 1688-1832* (London, 1997), pp. 311-17.

¹⁵⁶ Colin Kidd, *Subverting Scotland’s Past: Scottish Whig historians and the creation of an Anglo-British Identity, 1689-c. 1830* (Cambridge, 1993), p. 268 [quote] and pp. 254, 270; and Colin Kidd, ‘North Britishness and the Nature of Eighteenth-Century British Patriotisms’, *Historical Journal*, 39 (1996), 362-64.

¹⁵⁷ Kidd, *Subverting Scotland’s Past*, pp. 214-15, 272-74, 279.

¹⁵⁸ *Ibid.*, p. 213; and Kidd, ‘North Britishness’, 374.

‘literary superiority ... by out-Englishing the English’.¹⁵⁹ By advancing that English legacy they had obtained through the Union, Rosalind Mitchison stated, the Scots were aspiring ‘to be super-first-class citizens of Great Britain’.¹⁶⁰ The Scots were in other words trying to present themselves as the best of Britons, and they were more prepared to accept Britishness as an inclusive concept than were the English. Ned C. Landsman has argued that ‘provincials’ – such as the Scots and the Welsh – ‘probably identified themselves more consistently as Britons than anyone else in the empire’, and that ‘in much of England, the term “British” signified little more than a synonym for “English”, and “North Briton” became a notorious term of abuse’.¹⁶¹ Indeed, English reluctance to accept the Union as a true partnership between equals was a constant source of annoyance to the Scots, and kept alive a ‘wounded but operative Scottish national tradition’.¹⁶² None the less, Colin Kidd has argued: ‘despite an occasional anglophobia directed against the English *nation*, North Britons retained an enthusiastic commitment to English *institutions*’.¹⁶³

By and large, the same attitudes were carried on into the turbulent 1790s, and the North British identity of the Scots was, if anything, only strengthened and given a broader and more popular base during that decade. The particular interest many loyalist writers claimed that the Scots had in defending the fruits of the Union with England – the stable political regime, rights and liberties, which were now held to make up the *British* constitution – at a time when they were under unprecedented threat from both domestic and foreign enemies was outlined above,¹⁶⁴ while the pride many ordinary Scots felt in the specific contribution they made to the British state’s war effort was discussed in the preceding chapter.¹⁶⁵ It is also beyond doubt that Scotland’s martial traditions were kept up by her contribution of men for armed

¹⁵⁹ Janet Adam Smith, ‘Some Eighteenth-Century Ideas of Scotland’, in *Scotland in the Age of Improvement*, eds., N. T. Phillipson and Rosalind Mitchison (Edinburgh, 1970), p. 112.

¹⁶⁰ Rosalind Mitchison, ‘Patriotism and national identity in eighteenth-century Scotland’, in *Nationality and the Pursuit of National Independence*, ed., T. W. Moody (Belfast, 1978), p. 94.

¹⁶¹ Ned C. Landsman, ‘The Provinces and the Empire’ in *An Imperial State at War: Britain from 1689 to 1815*, ed., Lawrence Stone (London, 1994), p. 259.

¹⁶² Kidd, *Subverting Scotland’s Past*, p. 272. See also: *Ibid.*, p. 270; and Kidd, ‘North Britishness’, 366, 381; and Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800* (Cambridge, 1999), p. 133.

¹⁶³ Kidd, ‘North Britishness’, 382 [original italics].

¹⁶⁴ See: section VI.

¹⁶⁵ See: chapter 6, section VII.

service in the 1790s.¹⁶⁶ Moreover, there is evidence to suggest that the identity as North Britons had now moved beyond the ranks of the enlightened gentlemen of Scotland, and had become the accepted norm among Scots in general. It is, for example, relatively rare to see anyone referring to just ‘Scotland’ in letters, articles, pamphlets, addresses or resolutions in this period. Rather, the tendency was to use ‘North Britain’, or ‘that part of Great Britain called Scotland’, or sometimes even ‘known as Scotland’. Seen from a Scottish perspective, at least, being British seemed to have become a self-evident part of life. This was exemplified by an address sent to the king after the second assassination attempt in 1800, from ‘the Ministers and Elders of the Scottish Churches, in the Cities of London and Westminster’. Here the clergymen referred to themselves as ‘a South British Colony from the Church of Scotland’.¹⁶⁷ As far as the Scots were concerned, the terminology had by now become settled, and the normal practice was to use Britain, North and South, in place of Scotland and England. Of course, referring to England as ‘South Britain’ and the English as ‘South British’ was a Scottish idea – the direct counterpart to their own insistence on being North Britons – and English recalcitrance at adopting this usage was a cause of constant irritation to many Scots, who felt that their southern neighbours were not interested in partaking fully in the ‘British’ project. As the author of an anonymous letter sent to Henry Dundas in January 1793 complained: ‘I observe in the *Star* 16th Curr’t a Copy of Lord Grenvilles Answ. To the French Court in which the word *England* occurs repeatedly. It has given great offence to the foes of government, & much distress to its friends. Why not *Great Britain*’?¹⁶⁸ Yet, to an extent, the Scottish insistence on the use of North and South Britain can also be seen as a slightly desperate attempt to create an unrealistic sense of equality within a union in which Scotland was always going to be the junior partner. And by presenting the two constituent parts of Britain as, at least symbolically, two equal halves – ‘North’ and ‘South’ Britain – the Scots may as much have been hoping to promote their own interests within the union, as the new ideal of a common British identity.

¹⁶⁶ See: chapter 4.

¹⁶⁷ *London Gazette*, 21-24 June 1800.

¹⁶⁸ NAS, RH2/4/69, f. 199, ‘Amicus’ to Henry Dundas, Edinburgh, 19 Jan 1793 [original italics].

At the same time as many Scots complained about the lack of English commitment to (the Scottish interpretation of) Britishness, they continued to cherish their separate Scottish identity, and, in given circumstances, would jealously guard dearly-held traditions against English intrusion, or interference. The objections raised by Scottish lords lieutenant in 1798 against some of the instructions sent from London is a particularly prominent example in this respect, and demonstrates the resentment some Scots felt against English interference in what they perceived to be their own 'internal affairs'.¹⁶⁹ The striking feature of identity in Scotland in the 1790s is therefore the seeming ease with which the Scots were able to combine an inclusive identity as Britons with a separate and distinct identity as Scots. Being Scottish and British at the one and the same time does not seem to have caused them any conflict of allegiance or identity, and this apparent success of the British union, as seen from the smaller partner, must have played a crucial part in the conviction of Dundas and the Pitt government as a whole that a similar union between Great Britain and Ireland would be the best solution to Irish problems. Nearly a century of experience had indicated that union had been a good solution for Scotland, so why not for Ireland?¹⁷⁰ Whether this was an over-optimistic assessment in 1798 when the decision was made, and whether the subsequent failure of the Irish union to yield similar benefits for Ireland as the union of 1707 had done for Scotland, can be held against Pitt and Dundas is a topic outside the scope of this thesis and a question to be addressed by others.¹⁷¹ It does, however, underline the extent to which the British union – at the end of the eighteenth century – was perceived to have been an overwhelming success, particularly when viewed from the perspective of a great many Scots.

¹⁶⁹ See: chapter 2, p. 77-9.

¹⁷⁰ This was the gist of the argument presented in John Bruce's report on the union between England and Scotland, which formed a basis for the government's case in favour of an Irish union. See: John Bruce, 'REPORT, On the Events and Circumstances which produced the Union of the Kingdoms of England and Scotland'.

¹⁷¹ Frank O'Gorman has argued that: 'With the benefit of hindsight, the Union established a framework for the development of Ireland in the nineteenth century which was to have tragic consequences, but these could not possibly have been anticipated in 1800'. O'Gorman, *Long Eighteenth Century*, p. 321.

Appendix: A

Lords Lieutenant of Scotland – 1794:¹

<i>Counties.</i>	<i>Lords Lieutenant.</i>
Edinburgh	Duke of Buccleuch
Haddington	Marquis of Tweeddale
Berwick	Earl of Home
Roxburgh	Duke of Roxburgh
Selkirk	Earl of Dalkeith
Perth	Duke of Athole
Kincardine	Earl of Kintore
Aberdeen	Duke of Gordon
Inverness	Sir James Grant
Linlithgow	Earl of Hopetoun
Argyle	Duke of Argyle
Bute	Earl of Bute
Fife	Earl of Crawford
Forfar	Lord Douglas
Kirkcudbright	Lord Garlies
Kinross	George Graham, Esq.
Lanark	Duke of Hamilton
Dumfries	Duke of Queensberry
Wigton	Earl of Galloway
Ayr	Earl of Eglintoun
Dumbarton	Lord Elphinstoune
Renfrew	W. Macdowall, Esq.
Stirling	Duke of Montrose
Clackmannan	Lord Cathcart
Banff	Earl of Fife
Caithness	Earl of Caithness
Sutherland	Earl Gower
Elgin	Earl of Moray
Ross	Humberston Mackenzie, Esq.
Nairn	James Brodie, Esq.
Orkney	Sir Thomas Dundas, Bart.
Peebles	Lord Elibank
Cromarty	Bruce Æneas Macleod, Esq.

¹ The complete list of Lords Lieutenant can be found in: NAS, RH2/4/220, p. 7; and a near-complete list in: *Caledonian Mercury*, 10 May 1794.

Appendix: B

Scottish Sedition and Treason Trials, 1793 - 1800

[This list was based directly on: Cobbett's *State Trials*.]

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587.

Proceedings in the High Court of Justiciary at Edinburgh, against JAMES TYTLER, on an Indictment charging him with Sedition, January 7th: 33 GEORGE III. A. D. 1793.

588.

Proceedings on the Trial of JOHN MORTON, JAMES ANDERSON, and MALCOLM CRAIG, on an Indictment charging them with Sedition. Tried before the High Court of Justiciary at Edinburgh, on the 8th, 9th, and 11th Days of January : 33 GEORGE III. A. D. 1793.

589.

Proceedings in the High Court of Justiciary at Edinburgh, against JOHN ELDER and WILLIAM STEWART, on an Indictment charging them with Sedition, January 10th: 33 GEORGE III. A. D. 1793.

590.

Proceedings in the High Court of Justiciary at Edinburgh, against JAMES SMITH and JOHN MENNONS, on an Indictment charging them with Sedition, February 4th: 33 GEORGE III. A. D. 1793.

591.

Proceedings before the High Court of Justiciary at Edinburgh, on an Information exhibited by the Lord Advocate of Scotland, against Captain WILLIAM JOHNSTON, charging him with a Contempt of the said Court, January 25th, 29th, 31st, February 12th, 14th, 15th, 19th, 23rd: GEORGE III. A. D. 1793.

592.

Proceedings in the High Court of Justiciary at Edinburgh, against JAMES THOMPSON CALLENDER, WALTER BERRY, and JAMES ROBERTSON, for Writing, Printing, and Publishing a Seditious Libel, January 28th, February 18th, 19th, 22nd, and March 18th: 33 GEORGE III. A. D. 1793.

593.

Proceedings on the Trial of THOMAS MUIR, Esq., the Younger, of Hunter's-Hill, on an Indictment charging him with Sedition. Tried before the High Court of Justiciary at Edinburgh, on the 30th and 31st Days of August: 33 GEORGE III. A. D. 1793.

594.

Proceedings on the Trial of the REV. THOMAS FYSHE PALMER, on an Indictment charging him with Seditious Practices. Tried before the Circuit Court of Justiciary, held at Perth, on the 12th and 13th September: 33 GEORGE III. A. D. 1793.

595.

Proceedings before the High Court of Justiciary at Edinburgh, against ALEXANDER SCOTT, on an Indictment exhibited against him by the Lord Advocate of Scotland, charging him with Sedition, Feb. 3: 34 GEORGE III. A. D. 1794.

596.

Proceedings on the Trial of WILLIAM SKIRVING, on an Indictment charging him with Sedition. Tried before the High Court of Justiciary at Edinburgh on the 6th and 7th of January: 34 GEORGE III. A. D. 1794.

597.

Proceedings on the Trial of MAURICE MARGAROT, on an Indictment charging him with Seditious Practices. Tried before the High Court of Justiciary at Edinburgh, on the 13th and 14th of January: 34 GEORGE III. A. D. 1794.

598.

Proceedings before the High Court of Justiciary at Edinburgh, in the Case of CHARLES SINCLAIR, on an Indictment exhibited against him by the Lord Advocate of Scotland, and charging him with Sedition, February 17th, 24th, March 10th, 14th: GEORGE III. A. D. 1794.

599.

Proceedings on the Trial of JOSEPH GERRALD, on an Indictment charging him with Sedition. Tried before the High Court of Justiciary at Edinburgh, on the 3rd, 10th, 13th and 14th of March: 34 GEORGE III. A. D. 1794.

602.

Trial of ROBERT WATT for High Treason. At a Special Commission of Oyer and Terminer, holden at Edinburgh, August 14th, 15th, 22nd, 27th, and September 3rd: 34 GEORGE III. A. D. 1794.

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603.

Trial of DAVID DOWNIE for High Treason; at a Special Commission of Oyer and Terminer, holden at Edinburgh September 5th and 6th: 34 GEORGE III. A. D. 1794.

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627.

Proceedings in the High Court of Justiciary at Edinburgh, against GEORGE MEALMAKER, on an Indictment charging him with Sedition and administering unlawful Oaths, 10th, 11th, and 12th of January: 38 GEORGE III. A. D. 1798.

628.

Proceedings in the High Court of Justiciary at Edinburgh, against ANGUS CAMERON and JAMES MENZIES for Sedition, Mobbing, and Rioting, January 15th and 17th: 38 GEORGE III. A. D. 1798.

629.

Proceedings before the Circuit Court of Justiciary holden at Perth, against DAVID BLACK and JAMES PATERSON, for Sedition and administering unlawful Oaths, Sept. 20th: 38 GEORGE III. A. D. 1798.

[Lord Cockburn has identified another two trials for sedition, which were not reported in *State Trials*. They were:]

– Case of ROBERT JAFFRAY, Stirling. 6th September 1798.¹

– Case of WILLIAM MAXWELL, Edinburgh, 23d June 1800.²

¹ Lord Cockburn, *An Examination of the Trials for Sedition which have hitherto occurred in Scotland*, (2 vols.; Edinburgh, 1888; New York, 1970), ii, 159-61.

² *Ibid.*, ii, 165-67.

Appendix: C

NAS, RH2/4/83, f. 57.

Schedule for the quotas of the Militia Force to be raised in the different Counties, Stewartries, Cities and Places of Scotland

<i>County, Stewartry, City or Place</i>	<i>Returns of Men as transmitted in Lists by the Lieutenants</i>	<i>Apportionment of Men to serve</i>
Edinburgh County	967	230
Edinburgh City	350	83
Linlithgow	314	74
Haddington	609	145
Berwick	643	153
Peebles	223	53
Selkirk	111	26
Roxburgh	661	157
Kirkcudbrigh	554	132
Wigton	397	94
Ayr	1514	361
Renfrew	824	196
Lanark	2374	566
Stirling	859	204
Kinross	117	27
Fife	1484	353
Dunbarton	355	84
Bute	136	32
Argyle	1141	272
Inverness	800	190
Perth	2210	527
Forfar	1555	370
Kincardine	443	105
Aberdeen	2051	489
Banff	551	131
Elgin	400	95
Nairn	101	24
Cromarty	97	23
Ross	686	163
Sutherland	233	55
Caithness	299	71
Total:	23059	5485

Appendix: D

Navy Acts of 1795

[From: *Statutes at Large*, xvii, 35 George III – 38 George III, 1795 – 1798 (London, 1798)].

CAP. V.

An Act for raising a certain Number of Men, in the several Counties in *England*, for the Service of his Majesty’s Navy. – [5th March 1795.]

CAP. XI.

An Act for procuring a Supply of Men from the several Ports of this Kingdom, for the Service of his Majesty’s Navy – [16th March 1795.]

[Scottish ports:]

For the Port of <i>Aberdeen</i> , two hundred and nineteen Men.	For the Port of <i>Kirkcaldy</i> , one hundred and thirty-six Men.
For the Port of <i>Ayr</i> , thirty-three Men.	For the Port of <i>Kirkcudbright</i> , nineteen Men.
For the Port of <i>Alloa</i> , ninety-five Men.	For the Port of <i>Kirkwall</i> , thirty-one Men.
For the Port of <i>Anstruther</i> , fifty-three Men.	For the Port of <i>Leith</i> , two hundred and six Men.
For the Port of <i>Borrowstoness</i> , one hundred and fifty-five Men.	For the Port of <i>Lerwick</i> , six Men.
For the Port of <i>Cambeltown</i> , one hundred and fifty-five Men.	For the Port of <i>Montrose</i> , one hundred and seven Men.
For the Port of <i>Dumfries</i> , seventeen Men.	For the Port of <i>Oban</i> , twenty Men
For the Port of <i>Dunbar</i> , thirty-eight Men.	For the Port of <i>Perth</i> , thirty-two Men.
For the Port of <i>Dundee</i> , one hundred and thirty-five Men.	For the Port of <i>Port Patrick</i> , nine Men.
For the Port of <i>For William</i> , eleven Men.	For the Port of <i>Preston Pans</i> , three Men.
For the Port of Ports of <i>Clyde</i> , comprehending <i>Glasgow</i> , <i>Greenock</i> , and <i>Port Glasgow</i> , six hundred and eighty-three Men.	For the Port of <i>Rothsay</i> , one hundred and sixty-eight Men.
For the Port of <i>Inverness</i> , forty Men.	For the Port of <i>Stornoway</i> , fifty-two Men.
For the Port of <i>Irvine</i> , one hundred and thirty-one Men.	For the Port of <i>Stranrawer</i> [sic], twenty-five Men.
For the Port of <i>Isle Martin</i> , six Men.	For the Port of <i>Thurso</i> , twelve Men.
	For the Port of <i>Tobermoray</i> , five Men:
	And
	For the Port of <i>Wigton</i> , twenty-five Men.

CAP. XXIX.

An Act for raising a certain Number of Men, in the several Counties, Stewartries, Royal Burghs, and Towns, in that Part of *Great Britain* called *Scotland*, for the Service of His Majesty's Navy. [28th April 1795.]

For the County of <i>Aberdeen</i> , one hundred and forty-one.	For the County of <i>Haddington</i> , thirty-five.
For the City of <i>Aberdeen</i> , twenty-two.	For the Burgh of <i>Haddington</i> , four.
For the Burgh of <i>Kintore</i> , one.	For the Burgh of <i>Dunbar</i> , three.
For the Burgh of <i>Inverury</i> , one.	For the Burgh of <i>North Berwick</i> , one.
For the County of <i>Ayr</i> , sixty.	For the County of <i>Inverness</i> , seventy-four.
For the Burgh of <i>Ayr</i> , five.	For the Burgh of <i>Inverness</i> , eleven.
For the Burgh of <i>Irvine</i> , two.	For the County of <i>Kinross</i> , six.
For the Town of <i>Kilmarnock</i> , eighteen.	For the County of <i>Kincardine</i> , thirty-two.
For the County of <i>Argyll</i> , ninety.	For the Burgh of <i>Inverbervie</i> , one.
For the Burgh of <i>Inverary</i> , two.	For the Stewartry of <i>Kirkcudbright</i> , twenty-seven.
For the Burgh of <i>Cambeltown</i> , two.	For the Burgh of <i>Kirkcudbright</i> , three.
For the County of <i>Bute</i> , eight.	For the County of <i>Lanark</i> , fifty-five.
For the Burgh of <i>Rothsay</i> , two.	For the City of <i>Glasgow</i> , fifty-seven.
For the County of <i>Berwick</i> , thirty-three.	For the Town of <i>Hamilton</i> , two.
For the Burgh of <i>Lauder</i> , two.	For the Burgh of <i>Lanark</i> , one.
For the County of <i>Banff</i> , forty-seven.	For the Burgh of <i>Ruglen</i> [sic], one.
For the Burgh of <i>Banff</i> , seven.	For the County of <i>Linlithgow</i> , eighteen.
For the Burgh of <i>Cullen</i> , one.	For the Burgh of <i>Linlithgow</i> , four.
For the County of <i>Caithness</i> , twenty-three-	For the Burgh of <i>Queensferry</i> , one.
For the Burgh of <i>Wick</i> , two.	For the County of <i>Nairne</i> , six.
For the Town of <i>Thurso</i> , six.	For the Burgh of <i>Nairne</i> , two.
For the County of <i>Cromarty</i> , eight.	For <i>Orkney</i> , thirty-four.
For the County of <i>Clackmannan</i> , nine.	For the Burgh of <i>Kirkwall</i> , three.
For the County of <i>Dumfries</i> , forty-one.	For <i>Zetland</i> , eighteen.
For the Burgh of <i>Annan</i> , two.	For the County of <i>Peebles</i> , ten.
For the Burgh of <i>Dumfries</i> , eleven.	For the Burgh of <i>Peebles</i> , three.
For the Burgh of <i>Lochmaben</i> , one.	For the County of <i>Perth</i> , one hundred and fifty-two.
For the Burgh of <i>Sanquahar</i> , one.	For the Burgh of <i>Perth</i> , eighteen.
For the County of <i>Dunbarton</i> , sixteen.	For the Burgh of <i>Culross</i> , one.
For the Burgh of <i>Dunbarton</i> , four.	For the County of <i>Renfrew</i> , twenty.
For the County of <i>Edinburgh</i> , sixty.	For the Burgh of <i>Renfrew</i> , one.
For the City of <i>Edinburgh</i> , including the Liberties of <i>Canongate</i> , <i>Pleasance</i> , <i>South</i> and <i>North Leith</i> , and <i>Coalhill</i> , sixty.	For the Town of <i>Paisley</i> , and the Villages of <i>Newtown</i> , <i>Williamsburgh</i> , <i>Smithhills</i> , <i>Carriagehills</i> , <i>Maxwelltoun</i> , and <i>Millerstoun</i> , twenty.
For the Town of <i>Dalkeith</i> , five.	
For the Town of <i>Musselburgh</i> , five.	
For the County of <i>Elgin</i> , thirty-eight.	

For the Burgh of <i>Elgin</i> , four.	For the Town and <i>Port Glasgow</i> , one.
For the Burgh of <i>Forres</i> , two.	For the Town of <i>Greenock</i> , four.
For the County of <i>Fife</i> , eighty-eight.	For the County of <i>Ross</i> , fifty-six.
For the Burgh of <i>Cupar</i> , four.	For the Burgh of <i>Tain</i> , two.
For the Burgh of <i>Dunfermline</i> , seven.	For the Burgh of <i>Dingwall</i> , two.
For the Burgh of <i>Inverkeithing</i> , one.	For the Burgh of <i>Fortrose</i> , one.
For the Burgh of <i>Bruntisland</i> , two.	For the County of <i>Roxburgh</i> , forty-three.
For the Burgh of <i>Kinghorn</i> , one.	For the Town of <i>Kelso</i> , five.
For the Burgh of <i>Kirkcaldy</i> , four.	For the Burgh of <i>Jedburgh</i> , two.
For the Burgh of <i>Dysart</i> , two.	For the County of <i>Selkirk</i> , four.
For the Burgh of <i>Anstruther Easter</i> , one.	For the Burgh of <i>Selkirk</i> , two.
For the Burgh of <i>Anstruther Wester</i> , one.	For the County of <i>Stirling</i> , eighteen.
For the Burgh of <i>Craill</i> , one.	For the Burgh of <i>Stirling</i> , five.
For the Burgh of <i>Kilrenny</i> , one.	For the County of <i>Sutherland</i> , twenty-nine.
For the Burgh of <i>Pittenweem</i> , one.	For the Burgh <i>Dornock</i> , one.
For the Burgh of <i>St. Andrew's</i> , four.	For the County of <i>Wigtoun</i> , forty-nine.
For the County of <i>Forfar</i> , sixty-four.	For the Burgh of <i>Wigtoun</i> , two.
For the Burgh of <i>Brechin</i> , three.	For the Burgh of <i>Whitehorn</i> , one.
For the Burgh of <i>Dundee</i> , twenty-two.	For the Burgh of <i>New Galloway</i> , one:
For the Burgh of <i>Forfar</i> , three.	And
For the Burgh of <i>Montrose</i> , three.	For the Burgh of <i>Stranraer</i> , four.
For the Burgh of <i>Arbroath</i> , three.	

Appendix: E

NAS, GD 224/628/3/18

Internal Defence 1798.

General Abstract of the Number of Men between the age of 15 and 60 – Infirm – Serving in Volunteer Corps – aliens – Quakers – Persons Incapable of removing themselves, and of the live and dead Stock in the different Parishes of the County of Edinburgh, Made up from the Returns of the Deputy Lieutenants as directed by the General Meeting of the County on the 30 April 1798, in term of the Act of the 38th Geo 3d. Cap. 27. for the Defence and Security of the Realm, and for indemnifying persons who may suffer in their property by the measures to be taken.

[Two Schedules – one for men and one for provisions. Only men included here.]

Parishes.	Total of men between the ages of 15 and 60.	Infirm or incapable of active Service	Serving in Volunteer Corps or armed Associations.	Aliens.	Quakers.	Persons who from age Infancy Infirmary or other cause may be incapable of removing.
Cramond	268	50	25			365
Part of North Leith	30	2	3			90
Part of South Leith	508	20	73	5		680
St. Cuthberts	2764	524	613	11	6	8207
Corstophine	254	2	17	"	"	320
Collington	193	39	15	"	"	575
Currie	221	32	11	"	"	356
Kirknewton & EC ¹	182	1	3	"	"	195
Ratho	212	77	9	1	"	185
Part of Kirkliston	80	10	3	"	"	107
Glencorse	190	"	2	"	"	236
Pennycuick	498	39	"	"	"	1026
Lasswade	975	14	12	"	"	2137
Inveresk	1054	114	256	"	"	1811
Newton	228	37	21	"	"	723
Libberton	675	8	71	"	"	2536
Duddingston	137	63	45	"	"	698
Dalkeith	505	22	228	"	"	²
Borthwick	201	5	4	"	"	166
Temple	76	7	18	"	"	40
Carrington	84	14	2	"	"	48
Newbattle	248	41	16	"	"	117
Cockpen	306	50	2	"	"	115
Herriot	27	11	"	"	"	3
Stow	208	37	1	"	"	425
Fala	76	18	"	"	"	250
Crichton	46	44	2	"	"	318
Cranston	41	"	2	"	"	10
Mid Calder	240	9	1	"	"	164
West Calder	232	6	7	"	"	307
Total:	10,779	119	1462	17	6	22,202

¹ Kirknewton and East Calder.

² Cannot be ascertained.

Appendix: F

NAS, GD 224/429.

ENROLLMENT BOOK 10TH REGt. N. B. MILITIA.

1798 – 1802.

General Abstract of Men to be furnished by the several Counties &c, to the 10th or Edinburgh Regiment of North British Militia.

County of Edinburgh for Mid Lothian Quota. 218 Men.						
Crammond Parish 9	Age	Born in County	Born in Parish	Trade	Enrolled	Serving for
Donald Grant	26	Inverness	Inverness	Mason	1798	John Arnot
Joseph Williamson	22	MLothian	Cramond	Weaver	"	P
James Bruce	22	MLothian	Libberton	Labourer	"	P
Thomas Colville	17	MLothian	Heriot	Labourer	"	Daniel Campbell
Wm. Templeton	22	Down Ireland	Drumon	Weaver	1799	Jas Lyle dischg'd
Alex Mdonald	17	Edinburgh	Edinburgh	Bookb.	1798	Andrew Wishart
John Hunter	24	Peebles	Leith	Lab.	1799	P
John Nevin	19	West Lothian	Whitburn	Lab.	"	P
David Ritchie	17	Mlothian	Curri	Lab.	"	Alex Bernie £10 fine
Part of South Leith Parish 4						
John Sutherland	22	Mlothian	S.Cuthbs.	Labourer	1798	P
Joseph Murray	20	"	Inveresk	Lab.	"	P
Charles Johnston	21	Elothian	Prestonps.	Gardner	"	P
Robert Froward	20	Mlothian	S.Cuthbs.	Lab.	"	P
St Cuthberts Parish 40						
John Mitchel	23	Elothian	Gladsmuir	Shoem.	1798	John Forsyth £10 f ⁵
James Clark	18	Dumfries	Holyrood	Shoem.	"	John Paterson
John Fairbairn ¹	20	Selkirk	Galashiels	Servant	1799	John Knox
Thos Franklin	21	Nottingham	Nottingham	Stockingw. ⁴	1798	Rob. Leggal
Robert Laurie	20	Wlothian	Cramond	Lab.	"	P
Robert Neil	19	"	Dalkeith	Gardener	"	Pringle Comb £10 f
Alex Inglis ²	23	Lanark	[?]	Mason	"	Wm Drummond
John Gray	21	Edinburgh	Edinburgh	Tanner	"	P
Robert Coltson	20	Mlothian	Dudingston	Haidresser	"	Alex Wilson
Wm Mackenzie	19	Inverness	Urquhart	Lab.	1799	David Douglas £10 f
Hugh McBain	44	"	Moy	Lab.	"	John Morgan
George McLeod	16	Elothian	NBerwick	Living Serv	1798	Wm Waugh
Alex. Johnston	27	Berwick	Ligertwood	Tanner	"	Andrew Greig
George Barclay	28	Forfar	Farnall	Lab.	"	Alex James
Tobias Gilbert	20	Peebles	Scotstoun	Lab.	"	P
Kenneth McDonald	22	Ross	Uriah[?]	Weaver	"	Wm Anderson
Andrew Mcfarlane	17	Glasgow BP ³	Glasgow BP	Weaver	"	John Stead
Peter Mark	17	Island of Jersey	I of Jersey	Gardener	"	James Nisbet
William Cunni[?]	18	Fife	Dumfermline	Weaver	"	Edward Stewart
Robert Fraser	15	Edinburgh	Oldkirk	Shoemaker	"	Wm Sanderson £10
Willm Moffat, Reg Clk					"	John Brown
Hugh Mchutcheon	21	Edinburgh	Edinburgh	Hairdresser	"	John Young
James Mathison	17	Mlothian	Dalkeith	Lab.	"	Rob Murray
John Farquharson	20	"	St Cuthbts	Carver	1799	Rob Thomson £10 f
John Mcdonald	24	Aberdeen	Aberdeen	Weaver	"	David Hodge
William Hunter	21	Clackmanon	Alloa	Spackman	"	Rob Wilson
Henry Samuel	21	Mlothian	St Cuthbts	Lab.	"	P
James Richardson	18	Elothian	Haddington	Tanner	"	Alex Ferguson

John Potter	16	Mlothian	Newtow	Hairdresser	"	Adam Richmond
Robert Reid	18	Elothian	Prestonpans	Potter	"	Duncan Robertson ⁶
John Brotherston	16	Mlothian	Dalkeith	Lab.	"	John Gilchrist
Edward Gibson	21	Fife	Inverkeithing	Shoem.	"	Goell Lagan
Charles Alison	16	Mlothian	Dalkeith	Taylor	"	M Anderson
John Stevenson	18	Edinr	Canongate	Weaver	"	David Hodge
George Horsburgh	16	Elothian	Dirleton	Lab.	"	Wm Brown
Laughlan Mckennon	22	Argyl	Kilmore	Labourer	"	John Borrowman ⁷
James Smith	17	Mlothian	Temple	Weaver	"	Geo Melrose
David Wilson	20	"	Lasswade	Lab.	"	P
William Smart	21	Fife	Kettle	Founder	"	Mich. Hunter £10 f
Joseph Mackay	19	Ed. Canongate	Edinr. Canon.	Taylor	1800	James Horsburgh ⁸
William Jardine	17	Mlothian	Dalkeith	Taylor	"	Ach. Bajres[?] £10 f
Nineveh Inodgrass	19	Galloway	Glenliece	Lab.	"	James Wardlaw £10 fine
Corstorphine Parish 5						
James Borrowman	21	Peebles	Dolphinston	Lab.	1798	P
James Muckle	22	Wlothian	Inchmahan	Lab.	"	P
John Miller	21	Mlothian	Cramond	Lab.	"	P
Jas Aikenhead	22	"	Kirkliston	Weaver	1799	P
Andrew Veitch	22	Selkirk	Selkirk	Mason	"	John Anderson
Collington Parish 6						
James Low	20	Mlothian	Jala	Lab.	1798	P
Geo Bain	21	Edinburgh	Edinburgh	Lab.	"	John M Whriter
James Kent	21	Elothian	Prestonpans	Cabinetm.	"	Wm. Blyth
Robert Ford ⁹	28	Mlothian	St Cuthbts.	Weaver	1799	Henry Miles
Thomas Pentland	20	Edinr. Canon	Edin. Canon.	Smith	"	Robt Porteus £10 f
Robert Watt	19	Mlothian	Leith	Mason	"	John Borthwick
John Fraser	32	Banff	Leith	Lab.	1801	Robert Weir
Currie Parish 7						
Henry Alexander	18	Edinr.	St Cuthbts	Weaver	1798	William Walker
James Kirk	27	Fife St. Andr.s	Fife St. And.	Joiner	"	Lau. Cunningham
Walter Downs	42	Devon	Tarvstock	Lab	"	Tho Addison £11 fs ¹⁰
Robert Taylor	18	Verwick	Coloshean	Weaver	"	Geo Gourlay £12 fs
Thomas Eckford	22	Mlothian	Collinston	Lab.	1799	P
James Hume	16	Elothian	Alhilston[?]	Taylor	"	James Clannay
Archibald Deans	25	Edinr.	St Cuthbts	Lab.	"	John Whilles
Kirknewton & East – Calder Parishes 6						
John Hewitt	27	Dinham[?]	St A. Auck. ¹¹	Lab.	1798	Andrew Aikin
John Peal	19	Mlothian	Inveresk	Shoem	"	Alex Young
Tho Henderson	18	"	"	Taylor	"	Peter Lawson
James Allan	17	"	Libberton	Lab.	1799	Wm Rule £10 fine
John Smart	18	Edinr.	St Cuthberts	Shoem	"	Geo Muir £10 fine
Willm Simpson	16	Mlothian	Libberton	Lab.	"	John Lowden £10 f
Ratho Parish 5						
Robert Wright	22	Clackmannan	Alloa	Weaver	1798	William Graham
William Walker	20	Aberdeen	Fraserburg	Stockingm.	"	Robert Dalgleish
John Douglas	18	"	"	Taylor	"	Alex Cowan
Peter Bulks	18	Mlothian	Dudington	Lab.	1799	Jas Alexander £10 f
James White	17	"	Dalkeith	Candlem	"	John Wilkie £12 fs
Mid Calder Parish 7						
John MacDougald	23	Ross	Urquhart	Lab.	1798	James Clowison
William Hume	16	Edinburgh	Edinburgh	Weaver	"	Wm Orr
Thomas Riley	30	Stirling	Stirling	StockM	"	Wm. Fleming
George Nicol	16	Linlithgow	Bathgate	Weaver	"	James Meikle
Robert Walker	25	"	"	"	"	Alex Wilson
James Deans	18	Mlothian	Dalkeith	Taylor	1799	Rob McCall
James Brown	21	Berwick	Lauder	Joiner	"	P

Lasswade Parish 13						
William Wilson	24	Aberdeen	Aberdeen	Haidresser	1798	Joseph Leitch
Burnet Taylor	20	Edinburgh	Edinburgh	Weaver	"	Wm. Hyslop
James Richardson	39	Berwick	Stichheill	Butterm	"	Rob Cochrane
Thos Christie	17	Fife	Dumfermline	Weaver	"	Wm Shearer
Gilbert Wright	34	Argyll	Afrin	Lab.	"	Wm. Bald
Robert Morton	19	Mlothian	Dalkeith	Gardman	"	Hugh Robertson
John Lauder	21	Linlithgow	Dalmeny	Flaxd	"	John Miller
William Inglis	20	Perth	Perth	Joiner	1799	P
Alex Fleck	18	Peebles	Manor	Lab.	1798	John Johnston
George Charles	16	Mlothian	Howe	Lab.	"	George Stobie
Henry Wilson	21	"	Fordvilling	Blacksmith	1799	David Steel
Wm Simpson	16	Haddington	Dunbar	Shoem	1798	Peter Simpson
Walter Laurie	19	Mlothian	Cramond	Blsmith	1799	James Bain
Hugh Craig	19	Renfrew	Paisley	Weaver	1800	Wm Ewart
West Calder Parish 6						
Ebenezer Steel	19	Linlithgow	Whitburn	Weaver	1798	Thomas Inglis
James Calder	22	Mlothian	West Calder	Mason	"	Robert Smith
William Craw	18	Linlithgow	Queensferry	Lab.	"	Ab. Forest
Willm. Walker	18	Lanark	Glassat	Weaver	1799	Robert Black
John Berrill	17	Mlothian	Cockfew	Blksmith	1798	John Dunlop
Jas. Aitchison	19	"	"	Weaver	1799	Walter Mossman
Glencorse Parish 2						
James Cameron	18	Dinham	Dinham	Lab.	1798	Walter Clerk
Charles Crichton	28	Fife	Leven	Servant	1799	Arch Kidd
Pennycuick Parish 8						
John Braid	18	Mlothian	St Cuthbert	Joiner	1798	Jas Alexander
William Rutherford	18	Roxburgh	Clerwick	Bookb	"	Michael Dickson
Robert Darge	19	Kent	Lixtonhealt	Shoem	"	William Aiken
Alex Mackay	24	Sutherland	Far	Taylor	1799	John Todd
James Aiken	21	Edinburgh	Edinburgh	Lab	"	P
James Scott	27	Fife	Lesslie	Lab	"	Alex Brown
John Knox	23	Mlothian	Cranston	Lab	"	Wm Ramager
John Gregg	20	"	Inveresk	Lab	"	Wm Henderson
Inveresk Parish 16						
Robert Drysdale	20	Mlothian	Inveresk	Lab.	1798	P
Charles Strathern	19	Glasgow	Glasgow	Bilmaker	"	John Reid
James Collins	21	Haddington	Tranent	Lab.	"	P
John Gray	40	Dumbarton	Avischar[?]	Weaver	"	James Tait
Wm Archibald	22	Mlothian	Inveresk	Weaver	"	P
George Blackie	21	"	Crichton	Carpenter	"	P
David Izett[?]	21	"	Dudingston	Saltmaker	"	P
Peter M Galian	32	Caithness	Walter	Hairdresser	"	Robert Neilson
William Reid	21	Mlothian	Cockpen	Coalminer	"	Robert Fanley[?]
Thomas Wright ¹²	18	"	Inveresk	Lab.	1799	Tho Cunningham
Donald Lawson	26	Inverness	Abernethy	Lab.	"	Tho Scott
Alex Howison ¹³	20	Mlothian	Newton	Lab.	"	P
Daniel Urquhart	20	Ross. Ferntoch	[?]	Heelmaker	"	James Mill
George Robertson	23	Mlothian	Inveresk	Lab.	"	P
James Paterson	21	"	"	"	"	P
Robert Robertson	23	"	Dalkeith	"	"	P
Adam Douglas	18	Dumfries	Canonby	Weaver	1800	John Fraser ¹⁴
James Stewart	21	Midlothian	Newbattle	Taylor	1801	Alex Howieson ¹⁵
Newton Parish 5						
Richard Jack	20	Mlothian	Dalkeith	Lab.	1798	P
Abraham Hume	20	Berwick	Coldingston	Sadler	"	Robert Porteus
Alex Mcdonald	28	Ross	Urrah	Lab	"	Hugh Campbell
Adam Ferme	19	Mlothian	Dudingston	Lab.	1799	P
John Brown	24	Berwick	Eccles	Taylor	"	Thomas Porteus

Libberton Parish 15						
David Napier	16	Edinr. St. C.	E. S Cuthberts	Weaver	1798	Geo Anderson
William Knox	23	Haddington	Garvald	Gardener	"	P
William Gardener	18	Edinburgh	Edinburgh	Weaver	"	Robert Paterson
Robert Wilson	28	Mlothian	Libberton	Lab	"	John Kerson
Thomas Grey	22	MidCalder	MidCalder	[?]	"	Geo Baulks
James Dassaville	28	St Cuthberts	St. Cuthberts	Weaver	"	John Brown
William Peattie	25	Fife St. And.	F. St Andrews	Weaver	"	Hunter Ross
Andrew M Wight	26	Dumfries	Holyrood	Lab.	1799	Tho Porteus
Nicol Smith	18	Haddington	Gladsmuir	Lab.	"	Robert Dickson
John Wilson	16	Haddington	Haddington	Draper	"	George Clark
John Moore	46	Aberdeen	Newmocher	Lab	"	David Wright
Robert Haigs	20	Peebles	Eddleston	Weaver	"	P
William Gilroy	16	Mlothian	Libberton	Lab	"	John Anderson
Henry Adams	22	"	"	"	"	P
William Wilson	19	"	Lasswade	Coachm	"	David Lamb
Duddingston Parish 3						
John Baulks	21	Mlothian	Dudingston	Lab.	1798	P
George Knight	23	"	Libberton	"	"	P
Mathew Fogs	19	"	Dudingston	"	1799	P
Dalkeith Parish 12						
George Wilson	17	Mlothian	Inveresk	StockingM	1798	John Giffin
Alexander Haig	18	"	Canongate	Lab	"	Robert Haig
Robert Wilson	20	Renfrew	Greenock	Miller	"	P
John Kemp	20	Norfolk	Scott	Lab	"	P
John Watson	20	Mlothian	Dalkeith	Weaver	"	Wm Christie
Alex Cameron	18	"	St Cuthberts	Painter	"	Wm Sutherland
George Ingles	18	"	Dalkeith	Gardener	"	James Hilston
William Ross	19	"	Lasswade	Lab.	1798	Bery Robertson
James Campbell	22	"	Dalkeith	Lab.	1799	P
Jacob Neilson	22	Linlithgow	Carudin[?]	Shoem.	1798	Henry Cribbes
Thomas Laidlaw	20	Peebles	Eddleston	"	1799	P
Guillin Mcboun	15	Nairn	Artclarck[?]	Lab.	"	John Goldie
Borthwick Parish 4						
Ebenezer Steel	22	Mlothian	St Cuthberts	Smith	1798	William Smith
John Milne	22	"	Borthwick	Weaver	"	P
George Kay	21	Lanark	Walston	Lab.	1799	Thomas Dickson
Lewis Douglas	19	Mlothian	Newballt	Candlem	1798	Wm Ainslie
Temple Parish 1						
John Hay	20	Haddington	Haddington	Gardener	1798	P
Carrington Parish 3						
Robert Disher	19	Mlothian	Lasswade	Weaver	1798	James Bogg
James Ramage	46	Linlithgow	Kriklister	Lab.	"	John Hog
George Crawford	18	Mlothian	Cramond	Lab.	1799	Alex Wilson
Newbattle Parish 4						
Paul Taylor	18	Mlothian	Newbattle	Brewers Clerk	1798	John Taylor
Alexander Romany	21	"	Borthwick	Lab.	"	P
Andrew Walt	20	Haddington	Salton	Joiner	1799	James Reid
James Thompson	21	Mlothian	Cockpen	Lab.	"	P
Cockpen Parish 10						
Robert Anderson	19	Mlothian	Cockpen	Coalminer	1798	P
James Dickson	22	"	"	Lab.	"	P
John Hume	22	Haddington	Prestonpans	Blacksmith	"	Robert Miller
George Baxter	26	Fife	Markinch	Weaver	"	Wm Smith
John Gordon	19	Mlothian	Lasswade	Coalminer	"	P
William Neil	19	Haddington	Tranent	Lab.	"	P
Andrew Spiers	23	Mlothian	Cockpen	Lab.	1799	P

James Anderson Charles Wilson Robert Sutherland Robert Hume William Auld	17 23 39 17 22	Clackmanan Berwick Caithness Stirling Stirling	Clackmanan [?] Leatham[?] Falkirk Larbert	Cooper Farmer Lab. Groom Shoem.	" " " 1800 1801	John Thorburn P Rob Philip £10 fin. John Haigie £10 f. Charles Wilson
Heriot Parish 2						
Andrew Liddell Wm Whitson	29 28	Linlithgow Mlothian	Bathgate Dalkeith	Gent Serv. Baker	1798 1799	J. Inglis John Reynaldson
Fala Parish 2						
Charles Greig Wm Mackenzie	18 19	Edinburgh Edinburgh	St Cuthberts Caith	Lab. Taylor	1798 "	Wm Hardy Robert Mitchel
Howe Parish 12						
James Chalmers John White Wm Fraser John Stewart John Turner Abraham Moffat Robert Porteus Alex Kemp Thomas Baillie John Bryce John Walker William Rae Arch Waters William Rae	20 20 40 23 20 16 20 18 17 22 17 21 27 24	Edinburgh Roxburgh Inverness Edinburgh Mlothian D D D Linlithgow " Linlithgow Dumfries Berwick Dumfries	St Cuthberts Bow-sea[?] Kirkhill St Cuthberts Dalkeith Newton Crichton Petland Bathgate Whitburn Whitburn Bothwell Polwarth Ruthwell	Weaver Lab Taylor Baker Hairdresser Lab. Joiner Weaver Weaver Lab. Lab. Shoem. Lab.	1798 " " " " " " " 1799 " " " " 1800 1799	Alex Murray P James Thomson John Welch John Laidlaw Thos. Bunyan John Murray Andrew Scott Jas Herbert £10 f. Jas Graham £10 f. Tho Turnbull £10 f James Affleck Wm Fraser James Affleck
Crichton Parish 6						
David Drysdale James Wilson Wm Darling Wm Paterson James Baillie Murray Chalmers Edmund Kickey	26 20 23 19 21 21 37	Mlothian " Mlothian Linlithgow Haddington The Army	Inveresk Temple Inveresk Bathgate Ormiston The Army	[?]galsinker Blacksmith Lab. Lab Weaver Lab. Lab.	1798 2 " 1799 " " "	Alex Hardie Thos M Laren P Jasper Knowles P P Robert Gillies
Cranston Parish 5						
John Todd Francis Dickson Thos Erskine David Cornwall George Sanderson	20 21 17 20 21	Mlothian " " " "	Libberton Cranston Inveresk Cranston Dalkeith	Lab. Lab. Weaver Coalminer JuriWright	1798 " " 1799 "	P P Tho Nasmith Alex Scott
City of Edinburgh Quota. 79 Men.						
Names	Age	Born in County	Born in Parish	Trade	Enrolled	Serving for
William Smith Adam Scott Charles Anderson ¹⁶ Robert Alison William Cleghorn ¹⁷ John Bruce David Suttie John Mackay John Elliot Alex Falconer Thomas Bain ¹⁸ Wm Pincell Wm Guthrie Wm Nicol Wm Carse Thomas Melrose	22 20 34 19 20 24 20 16 21 20 19 22 28 20 23 22	Fife Mlothian Aberdeen Edinburgh D Glasgow Fife Mlothian " Haddington Ellothian Lanark Edinburgh Fife Mlothian "	Dumfermline St Cuthberts Kilhammy Edinburgh D Glasgow Wymess S Leith " Haddington Prestonpans Carstoun Canongate Lichoss Libberton Dalkeith	Flaxdresser Gardener Shoemaker Nailer Lab. Painter Shoemaker Nailer Shoem. Gardener Carver Gilder Lab. Locksmith Lab. Lab. Glazier	1798 " " " " " " " " " " " " " " " "	P S S S P P P S P S S P S P P P

William Bonar	19	"	St Cuthberts	Painter	"	Alex Duchar
David Graham ¹⁹	18	Perth	Perth	Living Serv.	"	S
William Hamilton	31	Ayr	Kilmarnock	"	"	Wm Mitchel
John Carmichael	22	Lanark	Lanark	Baker	"	P
Thomas Newlands	20	Linlithgow	Bathgate	Rosselmaker	"	S
Alex Smith	31	Aberdeen	Chapelgairry	Living Serv.	"	S
David Watson ²⁰	21	Renfrew	Ruglen	Plasterer	"	S
Clavert Forbes	20	Mlothian	St Cuthberts	Weaver	"	Geo Boag
John Black	19	Lanark	Bothwell	Postilion	"	P
George Simpson	21	Edinburgh	Greyfriars	Silverplater	"	P
John Finlay	27	Fife	Markinch	Joiner	"	Alex Robertson
Hugh Craig	17	Edinburgh	Greyfriars	Baker	"	S
William Falconer	18	"	Canongate	Shoem.	"	Alex Boyd
John Bryden	19	Selkirk	Aitchinse[?]	Weaver	"	D Mincheston
George Finlay	19	Edinburgh	Edinburgh	Bookb.	"	S
George Mirtle[?]	25	Sekirk	Galashiels	Shoem.	"	Jas Moffat
Robert Duncan	18	Edinburgh	Edinburgh	Joiner	"	John Muir
Charles Gilmour	22	North Leith	North Leith	Lab.	"	P
Alexander Walker	17	Edinburgh	Edinburgh	Butcher R. ²²	"	S
Thomas Kyle	20	Mlothian	Stowe	Baker	"	S
William Mhutcheson	17	Edinburgh	Water	Writer	"	Geo Cowie
Thos Gibson	26	Aberdeen	Udny	Living Serv.	1799	P
William Hart	18	Renfrew	Eastwood	Weaver	"	Wm Little
Geo Simpson	22	South Leith	South Leith	Blacksmith	"	P
Robert Steel	26	D	D	Mason	"	Peter Crookshanks
Francis Carfrae	26	Mlothian	Inveresk	Tinsmith	"	S
John Brown	19	Edinburgh	"	Copper. P. ²³	"	Jas Willimson
William Dunbar	27	"	"	Shoem.	"	R D Mitchel
James Douglas	23	Elothian	Dumber	Taylor	"	P
John McGilvray	22	Inverness	Dutchill	Lab.	"	R McIntire
John Grant 1 st	20	"	"	Lab.	"	R Somerville
John Grant 2 nd	30	"	Gomdale[?]	"	"	J Johnston
Alex Stewart	22	Banff	Mortilick[?]	Weaver	"	A Starr
James Furber	23	Dumfries	Dumfries	Living Serv.	"	F Anderson
James Short	20	Fife	Achtertoul	Weaver	"	James Hamilton
George Sanderson	19	Elothian	Salton	Lab.	"	R Ronaldson
Andrew Mcalpin	21	Mlothian	Inveresk	Lab.	"	Wm Blair
Alex Mdonald	26	Inverness	Arklouch[?]	Lab.	"	E Reid
John McRobul	20	Kirkudbr.	Dunham	Joiner	"	James Gould
John MLeod	45	Sutherland	Bark	Lab.	"	James Inches
Adam Gray	38	Berwick	Renthorn	Taylor	"	James Hunter
Allan Grant	28	Inverness	Cromish	Joiner	"	Arch Gallaway
Wm Corsane ²¹	29	Kirkudbr.	Carclune[?]	Lab.	"	John Gilchrist
Alex Rule	18	Mlothian	Newton	Lab.	"	Andrew Mason
John Murray	20	Kirkudbr.	Froquer[?]	Lab.	"	Wm Fotheringham
John Snodgrass	30	Galloway	Stranraer	Lab.	"	Wm Colley
Alex Cameron	23	Fife	Coupar	Lab.	"	John Lugton
Peter Primrose	30	Dumfries	Dumfries	Shoem.	"	David Thompson
Alex Gillie	19	Berwick	Ayton	Lab.	"	Robt. Black
Alex Moffat	17	Kincardine	Bowbouhty	Taylor	"	Robt. Somerville
James Murdoch	20	Berwick	Ayton	Shoem.	"	Geo Sanson
Robert Donaldson	27	P Glasgow	Port Glasgow	Weaver	"	Tho Moffat
Robert Dickson	18	Stirling	Polmont	Wright	"	David Storey
William Fowler	19	Haddington	Haddington	Lab.	"	Wm Renton
Charles Ross	25	D	D	Weaver	"	Dugald Bishop
Paul McPhail	27	Moray	Calder	Shoem.	"	Wm Sanderson
Peter McIntosh	18	Edinburgh	Edinburgh	Taylor	1800	Dan Somerville ²⁴
William Warden	19	Linlithgow	Kirkliston	Smith	"	Thos Noble £11 fs
William Brown	16	Berwick	Dunse	Shoemaker	1800	P 11 for sub.
George Pearson	17	Mlothian	Lasswade	Taylor	"	Robert Fairley £11 fs
James Dickson	31	Roxburgh	[?]	Taylor	"	John Sheriff £11 fs
James Aird	19	Ayr	Mauchline[?]	Weaver	"	Hugh Lumsden £8
John Munro	19	Roxburgh	Kelso	Nailer	1800	Joseph Cooper £8
James Kelly	27	Kent	Canterbury	Woolcomber	1801	Thos Bain
Adam Brown	17	Edinburgh	Edinburgh	Shoem.	1801	Thos Wyld
John McIntosh	19	Mlothian	St Cuthbert	[?]	"	James Grant
Neil McGregor	19	"	"	Weaver	"	Hugh Goodall
David Wm. Fleming	22	Glasgow	Glasgow	Writer	1802	
John Ross	20	Mlothian	Inveresk	Lab.	1802	Wm. Burton.

County of Linlithgow or West Lothian Quota. 71 Men.						
Linlithgow Parish 12	<i>Age</i>	<i>Born in County</i>	<i>Born in Parish</i>	<i>Trade</i>	<i>Enrolled</i>	<i>Serving for</i>
Alex Wardrobe	20	Linlithgow	Linlithgow	Flaxdresser	1798	P
Robert Neilson	17	Linlithgow	Caniden	Shoem.	"	Alex Potter
David Bird	22	Linlithgow	Linlithgow	Mason	"	P
James Nisnino ²⁵	18	D	D	Weaver	"	James Paul
Archibald Simpson	20	Elothian	Dunbar	Shoem.	"	Peter Grindeston
Edward Land	18	Linlithgow	Linlithgow	Lab.	"	Henry Duncan
James Renton ²⁶	17	Elothian	Glasmuir	Smith	"	Wm. McDonald £10f
John Robertson	19	Inverness	Gomdale	Lab.	1799	Adam Clark £10 f
William Marshal ²⁷	21	Linlithgow	Linlithgow	Shoem.	"	P
Alex McGregor	20	D	D	D	"	P
James Bowman	17	Renfrew	Paisley	Gardener	"	Wm Nisnino
James Moffat	23	Linlithgow	Linlithgow	Stockingw.	"	P
Borrowstown-ness Parish 7						
John Mcdonald	40	Ross	Torrodale	Shoem.	1798	David Dobie
James Ramsay	20	Fife	Toryburn	Printer	"	Alex Johnston
Geo Flint	22	Mlothian	Collingston	Papermaker	"	John Mickle £10 f.
William Hay	17	Elothian	Gladsmuir	Lab.	"	Jas Learmouth
Thomas Young	26	Berwick	Eccles	Lab.	1799	John Grant
Robert Guthrie	19	Newcastle	Tyne	Shoem.	"	Henry Scrimgeour
John Russell	19	Edinburgh	St Cuthberts	Taylor	"	John Taylor £10 f.
Carriden Parish 6						
John Ormond	22	Fife	Dumfermline	StockingW.	1798	George Wood
William Brown	15	Mlothian	Mussleb.	Ploughman	"	George Hardy £10f
David Grindlay	30	Stirling	[?]	Lab.	"	David Pollsck
David Grant	20	Inverness	Cromdale	Weaver	1799	R Nichol £10 fine.
Donald Fraser	28	S Boliskine	S Boliskine	Shoem.	"	Wm Allan £10 fine
George Neilson	18	Renfrew	Paisley	Cartw[?]	1800	John Miller
Kirkliston & Ecclesmachan Parishes 12						
George Wightman ²⁸	35	Elothian	Ormiston	Lab.	1798	Thomas Bevid
Robert Innes	20	Fife	St Andrews	Joiner	"	P
Thomas Greig	20	Mlothian	Libberton	Stewart	"	P
James Black	21	Linlithgow	Torphiston	Weaver	"	P
James Mildrum	19	Fife	Dumfermline	Weaver	"	
John Sim	26	Aberdeen	Turiff	Shoem.	1799	A Dale £10 fine.
John Fraser	18	Linlithgow	Linlithgow	"	"	John Ilile[?]
James Johnston	20	Lanark	Beggin	Stockingm.	"	T Potter £10 fine.
James McConnochie	20	Linlithgow	Abercorn	Lab.	"	P
Robert Sloan	25	Dumfries	Kilmarnock	Weaver	1800	Wm Cunningham
John Hamilton	19	Linlithgow	Linlithgow	Flaxdresser	"	J[?] Wilson
James Talbut	20	Mlothian	Leith	Weaver	"	J[?] Mason £10 f.
Dalmeny Parish 3						
Adam Morris	16	Fife	Dumferline	Weaver	1798	Thomas Kee
Robert Cusine	20	"	"	"	"	Thos Gilliespie
Thomas Davidson	17	Elothian	Haddington	Lab.	1799	Jas Paterson £10 f.
Abercorny & Dalmeny P jointly 1						
William Moody	20	Linlithgow	Abercorn	Lab.	1798	P
Abercorn & Queensferry P. jointly 1						
John Crooks ²⁹	21	Elothian	N Berwick	Taylor	1799	

Bathgate Parish 13						
David Ralton	22	Linlithgow	Bathgate	Weaver	1798	P
Wm Russell	19	Lanark	A[?]	Weaver	"	James Gardener
Chas Masterton	25	Linlithgow	Torphinston	Lab	"	Alex Wardrobe
Wm Fleming	20	"	Bathgate	Weaver	"	John Dunlop
Robert Gilford	17	"	Abercorn	Lab.	"	James Gifford
Andrew Nisnino	18	Linlithgow	Linlithgow	StockinW.	"	Jas Stevenson
Thos Brown	16	Elothian	PPan	Weaver	"	Jas Fleming
John Irving	20	Dumfries	Kirkpat	Weaver	1799	A Hamilton £10 f.
Thos Grows[?]	28				"	T Anderson £10 f.
John Crosby	16	Durham	Darlington	StockingW.	"	A Aitken £10 fine.
John Ross	30	Edinburgh	Edinburgh	Trader	"	A Fairby £10 fine.
George Auld	20	Linlithgow	Linlithgow	Taylor	1800	Peter Wasper
Robert Bowns	20	Renfrew	Paisley	Weaver	"	George Forrest
Torphinston Parish 7						
John Dick	32	Mlothian	Cockpen	Servant	1798	Robert Sleet
John Morison	17	Hants[?]	Portsmouth	Weaver	"	Alex Ramsay
Robert Wood	34	Northhumbert	N Castle+[?]	Painter	"	William Baillie
William Gowan	19	Galloway	Wigton	Lab.	1800	P. Gentleman £10 f
Willm Walker	21	Linlithgow	Torphinston	Baker	1799	P
Richd. Paton	20				"	P
David Peacock	15	Mlothian	Newton	Collier	"	J Black £10 fine.
Richardson Moffat	23	Dumfries	Cuthwell	Taylor	1800	Wm. Walker
Whitburn Parish 4						
Wm Armstrong	18	Ayr	Ayr	Paperm.	1798	M Graham
Arch. Hamilton	21	Elothian	Gladsmuir	Lab.	"	S Murray £12 sub.
Rich. Brodie	19	Lanark	Hamilton	Weaver	1799	A Clark
Wm Murray	25	Dumfries	Moffat	Woolspinner	1800	R Brownlie £10 f.
Uphall Parish 1						
Adam Sutherland	17	Elothian	Ormiston	Shoem.	1799	Adam Porteus
Livingston Parish 1						
Andrew Allan	24	Linlithgow	Inchmahon	Weaver	1798	Wm Neal
Uphall & Livingston Parishes jointly 3						
Peter Nisbet	17	Berwick	Lauder	Taylor	1798	Henry Potts £10 f.
John Stirling	24	Mlothian	Dalkeith	Weaver	1799	John Morton £10 f.
Wm. Clerkison	24	"	Lasswade	Coallier	"	James Bishop £10 f
County of Haddington or East Lothian Quota. 137 Men.						
Dunbar Parish 13	<i>Age</i>	<i>Born in County</i>	<i>Born in Parish</i>	<i>Trade</i>	<i>Enrolled</i>	<i>Serving for</i>
Somerv. Pinkerton	37	Mlothian	St Cuthberts	Weaver	1798	Arch. Dudgeon
Wm Dinnet	30	Caithness	Canestry	Printer	"	Wm Purvis
Andrew Watt	19	Linlithgow	Town	Slater	"	Tho' Bridewood ³⁰
Duncan Wilkison	19	Mlothian	Inveresk	Lab.	"	Rob Ford
Robert McIntosh	21	Perth	Logierait	Musician	"	Wm Simpson
Alex Howey	15	Northum.d	Marden	Baker	"	Wm White
Jas Donaldson	17	Nlothian	Dalkeith	Landlessor	"	A Denham £10 f.
Alex Tait	24	Haddington	Dunbar	Shoem.	1799	P
Wm Dinholm	21	D	Innerwick	Joiner	"	P
Andrew Simpson	19	D	Dunbar	Lab.	"	Adam Reaburn
John Watt	19	Berwick	Polwarth	Joiner	"	Tho Bishop £10 f.
John Bele	26	Kirkudbright	[?]egles	Lab.	"	Jas Cowan 11 G fs
Jas Canuthen	21	Dumfries	Moffat	Joiner	1800	Wm Hewitt 11G
James Little	19	D	Langholm	Weaver	1801	Tho Porteus £ 5

Innerwick Parish 4						
Wm Buchanan	18	Clackm.	Coalnaughton	Hairdresser	1798	Wm Rogers
Wm Elfingham	18	Edinburgh	Edinburgh	StockingW	"	Robert Crubbis
Jas Denholm ³¹	20	Haddington	Tranent	Lab.	1799	P
Robert Davidson	22	N Milfield	North Milf.	Taylor	"	Tho' Hastie 11 G fs
John Smyllie	18	Renfrew	Port Glasgow	Weaver	1800	John Dods 12 G fs
Tynningham & Whitekirk P. 7						
John Hodge	32	Dumbarton	Kirkintullo	Weaver	1798	Adam Dickson
Tho' Abernethy	15	Mlothian	Dalkeith	Lab	"	Tho' Reid
Wm Nisbet	17	Edinburgh	Edinburgh	Serv.	"	John [?]lill
Robert Bisset	23	Mlothian	Dudingston	Shoem.	"	A Dudgeon
Wm Hume	25	Haddington	Athelstaneford	Gardener	1799	A Sinclair
Wm Morton	22	"	NBerwick	Serv.	"	Tho' Rennie
Robert Turner	26	"	Haddington	Joiner	"	David Cottar
Oldhamstocks Parish 5						
Peter Robertson	22	Berwick	Cockburnspath	Lab.	1798	P
Wm Whitlaw	22	Haddington	[?]	Lab.	"	James Hardy
Geo Steel	19	Edinburgh	Edinburgh	Blacksmith	"	Geo Johnston
John Murray	19	D	D	Shoem.	1799	Wm Bishop
Andrew Jameson	21	Roxburgh	Kelso	Joiner	"	P
Prestonhaugh Parish 6						
Hepburn Thomson	20	Haddington	Haddington	Joiner	1798	P
Thos Wilson	19	Mlothian	Dalkeith	Joiner	"	Geo Park
John Fairley	17	Berwick	Berwick	Weaver	"	Geo Knox £10 f.
John Scott	21	Haddington	Innerwick	Lab.	1799	P
Geo Herd	22	"	Athelstaneford	Shoem.	"	P
John Whitecross	24	"	Dirleton	G Serv.	"	P
Stainton Parish 3						
John Roger	21	Haddington	Tranent	Shoem.	1798	
Wm Cunningham	21	"	Athelstaneford	Lab.	"	James Darling
Thos Cunningham	24	"	Pentcailtland	Shoem.	1799	Jas Black 11 G fs
Whittingham Parish 3						
Wm Watt	223	Haddington	Gladsmuir	Taylor	1798	P
John Cunningham	28	Edinburgh	Edinburgh	Ropem.	"	Jas Stevenson £10 f
John Williamson	19	D	D	Nailer	1799	Alex Yellowlies[?]
North Berwick Parish 3						
John Murdoch	24	Berwick	Ayton	Lab.	1798	Jas Murdoch
John Forsyth	27	"	Chimside	Lab.	1799	Chas Wilson 11 G fs
John Williamson	19	Edinburgh	Edinburgh	Taylor	1800	Hew Benn 11 G fs
Spott Parish 1						
John Wilson	19	Haddington	Dunbar	Butcher	1799	
Aberlady Parish 6						
Wm Ross	23	Haddington	NBerwick	Mason	17998	P
Robert Johnston	22	"	Whittingham	Joiner	"	P
Arch Hume	21	"	Gladsmuir	Mason	"	P
John Addison	29	Fife	Dumfermline	Weaver	1799	Patk Dickson
John Morrow ³²	21	Galloway	Glenliece	Weaver	"	John Lamb £10 f.
Wm Laurie	21	Haddington	Spott	Joiner	"	Rob Hamilton 11 G fs
Dirleton Parish 4						
Robert Scarlet	19	Mlothian	St Cuthberts	Gardener	1798	Hugh Goodlet
Henry Windsor ³³				Musician	1800	Hugh Bryce

James Dickson Wm Mckenzie 2 nd John Henry Rose	17 22 45	Mlothian Inverness Germany	Crichton Cromdale Germany	Lab. Lab. Musician	1798 1799 1801	Adam Cairns John Craven £12 fs Henry Windsor
Athelstaneford Parish 4						
Robert Clarkess[?] Wm Cairns Wm Cunie John Hossack	23 22 21 23	Haddington Haddington " Ross	Gladsmuir Haddington Athelstaneford Cromarty	Lab. Shoem. Lab. Lab.	1798 " 1799 "	P Jas Walker Chas Hewden 12 G fs
Garvald Parish 7						
James Malcolm Robt Sharp John Colston Wm Sinclair Peter Mcpherson John Lilster David Brash Wm Love	30 25 19 20 27 25 21 23	Mlothian " " Northum.d Perth Haddington Linlithgow Ayr	Dalkeith Libberton Duddington Neasth[?] Kil-lin Oldhamstocks Abercorn Dayhorn	Weaver Lab. Mason Taylor Taylor Taylor Taylor	1798 " " 1800 1799 " " 1801	John Dickson Wm Whitlaw Rob Arthur Joseph Kemp Robert White Jas Goodlaw 11 G fs Thos Watt
Moreham Parish 2						
William Gegg David Goodall	43 22	Gloster Haddington	Hampton Garvald	Lab. Lab.	1798 1799	John Skiving
Bolton Parish 2						
George Colville Robert Wilson	27 19	Mlothian Dumfries	Dalkeith Drysdale	Lab. Lab.	1798 1799	James Fair £10 fs John Baillie 11 G for do. [?]
Haddington Parish 18						
Thomas Neilings James Lyon Robert Knox Jas Mcdonald Geo Ross James Cathie Jas Somerville John Ross John Sinclair George Grant Jas Runaman John Baird David Lees Peter Hunter Arch Punton James Porteus David Paterson John Sownes James Cation	22 20 20 22 21 23 18 22 18 26 21 22 22 21 18 25 25 25 24	Haddington Haddington Mlothian Haddington " Haddington " Haddington Mlothian Edinburgh Haddington D D D Haddington Dumfries Mlothian Haddington Mlothian	Aberlady Haddington Cranston Haddington " Stainton Moreham Haddington Borthwick Edinburgh Haddington D D D Dunbar Kirkpatk Inveresk Bolton Dalkeith	Shoem. Tobacconist Lab. Shoem. " Slater Taylor Weaver Breechesm. Hairdress. ³⁴ Writers Clerk Weaver Lab. Lab. Taylor Taylor Lab. Lab. Lab.	1798 " " " " " " " " " 1799 " " " " " " 1802 1801	P P P Peter Marten P P S S Robert Simpson Jas Barclay P P P P Wm hay Chas Cuthertson Alex Ogilvie 11 G fs P Jas Grahame
Gifford Parish 7						
Robert Love Hugh McWhriter Geo Mckain Geo Wright Peter Irvin Geo Barnsfather Peter Forbet	21 19 17 20 22 21 19	Ayr " Edinburgh Haddington " Haddington Linlithgow	Kirkeswald Ballintrae Edinburgh Gifford Whitekirk Haddington Qsferry	Weaver Weaver Taylor Weaver Shoem. Painter. Soapboiler	1798 " " " 1799 " "	Bery Hunter Geo Galconer John Clephan P P Jas Craes Alex Laidlaw £ 10 f
Pentcailtland Parish 5						
Jas Logan Rich. Lauder Geo Wilson Neil Redpath George Finnemore	19 24 22 24 23	Haddington " " Mlothian Galloway	Gladsmuir Pentcailtland Salton Dalkeith Kirkbean	Lab. Taylor Weaver Lab. Lab.	1798 " " 1799 "	Patrick Hay P P P Rob Logan

Salton Parish 5						
John Hair	19	Mlothian	Cockpen	Lab.	1798	P
Alex Brown	28	Haddington	Gladsmuir	Shoem.	"	Alex Punton
Geo Veitch	28	Linlithgow	Bones	Taylor	"	Thos Borthwick
Wm Nesbit	22	Berwick	Colding..	Weaver	1799	Thos Heriot 10 G fs
Wm Law	19	Haddington	Gladsmuir	Lab.	"	P
Humby Parish 2						
Wm Graham	15	Caithness	Thurso	Shoem.	1798	Thos Irving
John Nicolson	20	Haddington	Athelstaneford	Lab.	1799	
Ormiston Parish 4						
Alex McLeod	28	Moray	Fores	Mason	1798	Wm Kelkie
George Hume	18	Mlothian	Cranston	Mer. Clk. ³⁵	"	Rob Wight £10 f.
Andrew Tyrie	19	Leith	Leith	Lab.	1799	Rob Jamieson ³⁶
Alex Hutcheson	20	Ormiston	Ormiston	Cratemaker	"	
Tranent Parish 15						
John Clerk	20	Tranent	Tranent	Mason	1798	Andrew Blair
Thos Archibald	19	Mlothian	Libberton	Lab.	"	David Neal
Peter Scott	21	Haddington	Prestonpans	Joiner	"	P
Joseph Scott	19	"	Gladsmuir	Coalhewer	"	Geo Kinlay
Jas Clyde	20	Tranent	Tranent	Lab.	"	P
Robert Dunse	17	Berwick	Chumside	Nailer	"	Robert Mitchel
Crawford Smith	21	Edinburgh	Edinburgh	Shoem.	"	Thos Forbes
James Sownes	17	Haddington	Bolton	Lab.	"	John Roger £10 f.
Geo Mitchel	24	Pentcailtland	Pentcailtland	Lab.	1799	P
John Brown	18	Whitlin	Whitlin	Taylor	"	Geo Scott
John Simpson	20	Humby	Humby	Taylor	"	Alex Burns
Wm Wright	22	Ormiston	Ormiston	Lab.	"	P
Wm Brown	21	Linlithgow	Linlithgow	Shoem.	1798	John Guthrie
Andrew Nelson	19	Haddington	NBerwick	Lab.	1799	David Weir 11 G fs
James Hyslop	42	Tranent	Tranent	Shoem.	"	Jas Welch
Gladsmuir Parish 7						
Arch Dudgeon	22	Mlothian	Mussleb	Butcher	1798	Wm Wilson
Alex Young	16	Haddington	Whittingham	Lab.	"	P
Robert Innes	21	"	"	Joiner	"	Francis Birt
Rich Auld	28	Linlithgow	Linlithgow	Mason	"	James Hadden
John Mcdonald	20	Haddington	Athelstaneford	Lab.	1799	P
Henry Ward	22	Essex	Stratford	Lab.	"	John Dudgeon
Alex Muirhead	19	Mlothian	Corstophin	Weaver	"	John Tait
Prestonpans Parish 4						
Robert Gray	20	Edinburgh	St Cuthberts	Lab.	1798	Wm Ross
Jas Bartleman	24	Prestonpans	Prestonpans	Mason	"	P
Wm Elsmore	26	Ayr	Ayr	Shoem.	1799	Wm Gregg
John Thom	20	Prestonpans	Prestonpans	Brickmaker	1802	P
County of Berwick Quota. 145 Men.						
Churnside Parish 6	<i>Age</i>	<i>Born in County</i>	<i>Born in Parish</i>	<i>Trade</i>	<i>Enrolled</i>	<i>Serving for</i>
James White	20	Berwick	Churnside	Lab.	1798	P
Arch. Gaig	20	Churnside	Churnside	Weaver	"	P
Geo Paisley	21	Merton	Merton	"	"	P
Wm Crawford	24	Guernsey	Guernsey	Shoem.	1799	Joseph Armstrong
John Wood	19	Berwick	Edrom	Lab	"	David Ewart
John King	20	Haddington	Dunbar	Lab.	"	P
Abbey Parish 2						
Alex Morton	18	Mlothian	Dalkeith	Gardener	1798	Jas Dods
James Kemp	18	Berwick	Cockburn P	Lab.	1799	Geo Kemp

West Struther Parish 4						
John Fisher	21	Berwick	Long[+?]	Mason	1798	P
Andrew Watson	18	Fife	St Andrews	Taylor	"	Jas Stephenson £10
Alex Straw ³⁷	23	Inverness	Dores	Lab.	1799	Tho White £10 f.
Alex Ross	24	Ross	Kincairn	Lab.	"	Rob Goodfellow £10
John Mason	18	Glasgow	Glasgow	Weaver	1801	Alex Shaw
Greenlaw Parish 6						
Wm Young	21	Greenlaw	Greenlaw	Mason	1798	P
Henry Bain	44	Caithness	Hallkirk	Taylor	"	Wm Grieve £10 f.
James Dods	20	Berwick	Edrom	Lab.	"	P
Ind Wightman	20	West Struther	W.Struther	Lab.	1799	P
Edw Mason	18	Mlothian	Cramond	Lab.	"	Wm Kirkwood
Hugh Ross	22	Ross	Kincairn	Lab.	"	Jas Frater £10 f.
Earlstone Parish 9						
John Peacock	20	Berwick	Lauder	Weaver	1798	P
Ebenezer Black	20	Earlston	Earlston	Weaver	"	Wm Young
Alex Watson	21	Polwarth	Polwarth	Lab.	"	P
Thomas Smith	23	Gordon	Gordon	Weaver	"	
Wm Lang	22	Earlston	Earlston	Weaver	1800	John Brown
Wm Hart (City Quota)	18	Renfrew	Eastwood	Weaver	1799	Wm Wilson £10 f
John Kennedy	26	Inverness	Glengary	Lab.	"	Pringle Spears £10 f
Allan McGruere	34	"	Boleskini	"	"	Wm Lang £10 f
John Mcqueen	19	"	Inverallan	"	"	Robert Watson £10 f
Andrew Ramsay	18	Mlothian	Krikrunla[?]	Lab.	1800	Wm Wilson £10 f
Coldstream Parish 11						
David Stirling	22	Roxburgh	Bowden	Lab.	1798	P
Jas McDougall	19	Berwick	Coldstream	Shoem.	"	John Howlison
Archd. Turnball	24	"	D	Joiner	"	Jas Gourlay
David Reid	22	"	D	Nailer	"	P
James Purvis	23	"	Eccles	Millwright	"	P
Robert Brown	27	Berwick	Berwick	Lab.	"	David Deans
Thos Reid	17	Mlothian	Dalkeith	Lab.	1799	Geo Curni £12 s.
Wm Alison	23	"	"	Taylor	"	Jas Brown £12 s.
Robert Hyslop	24	"	"	Weaver	1800	Alex Wood 11 G s
John Cowan	18	linlithgow	Boness	Weaver	"	Ralph Ford £10 s.
George Small	19	mlothian	St Cuthberts	Shoem.	"	Alex Purvis
Dunse Parish 14						
Wm Henderson	20	Durham	Spital	Milli[+?]	1798	P
James Reddan	20	Berwick	Abbey	Lab.	"	P
John Bertram	20	Haddington	Garvald	Lab.	"	P
Thos Morton	20	Dunse	Dunse	Shoem.	"	P
John Falconer	17	Mlothian	Inveresk	Blksmith	"	John Johnston
Wm Hercus ³⁸	16	"	"	Gardener	"	Jas Cockburn
George Dewar	21	Galloway	Minigaff	Lab.	1799	Ed Maddison 11G fs
John Hay	22	Berwick	Mornington	Gardener	"	P
John Dempster	15	"	Dunse	Nailer	"	Jas McLaren
James Mackay	30	Sutherland		Lab.	"	Jas McClenaham ³⁹
John McCall	17	Kirkud.	Froquers[?]	Lab.	"	Chas King £10 f.
Jas Robertson	22	Dumfries	Dumfries	Lab.	"	Henry Webster*
Robert Nisbit	21	Berwick	Coldingham	Lab.	"	Rob. Dickson 11G fs
David Wight	20	Dumfries	Moffat	Lab.	1800	Wm Crawford*
Robert Currie	19	Berwick	Dunse		1801	Robert Knox
Lauder Parish 8						
George Wilkie ⁴⁰	18	Mlothian	Mussleb.	Butcher	1798	James Turner
Wm Cunningham	20	Fife	Bruntisland	Shoem.	"	Jas Robertson
Peter Brack	21	Berwick	Dunse	Weaver	"	Wm Swanston
John Henderson	17	Caithness	Bowar	Shoem.	"	John Fairbairn
Wm Sconlar	22	Edinburgh	St Cuthberts	Groom	1799	P
Wm Henderson	23	Lauder	Lauder	Lab.	"	P
John Wood	21	D	D	Lab.	"	P
Geo Gordon	26	Moray	Dunding[+?]	Lab.	"	Maitland Allan £10 f

David Law	18	Mlothian	Inveresk	Shoem.	"	George Wilkie
Polwarth Parish 2						
James Lyal	21	Berwick	Polwarth	Lab.	1798	P
Jas Runaman ⁴¹	17	"	Earlstone	Weaver	1799	P
Swinton Parish 4						
George Tirvet	23	Lanark	Carnwath	Joiner	1798	Alex Thomson
Jas bookless	22	Berwick	Ladykirk	Weaver	"	P
Alex Cockburn ⁴²	21	Haddington	Stainton	Lab.	1799	P
Peter Nesbit	16	Berwick	Dunse	Shoem.	"	John Wilson
Robert Chalmers	21	Lanark	Lanark	Weaver	1800	John Liddell
Buncle Parish 4						
Jas Robertson	21	Berwick	Toggo	Joiner	1798	P
Alex Hetley ⁴³	21	W	Langton	Lab.	"	P
John Fowler	21	W	Buncle	"	1799	P
Alex Sligh	17	W	Coldingham	Weaver	"	Rob Pringle
David Cuningham	29	Haddington	Ormiston	Slater	1802	Alex Hetley
Merton Parish 3						
John Brown	18	Berwick	Dunse	Whoem.	1798	John Middlemas
George Lyal	20	D	Paxton	Weaver	"	Wm Wallace
John Ferguson	15	Mlothian	Dalkeith	Baker	1799	W T & J B ⁴⁴
Coldingham Parish 11						
Wm Gray	23	Berwick	Churnside	Lab.	1798	P
Wm Ellis	20	"	Ayton	Taylor	"	P
James Watson	22	"	Dunse	Shoem.	"	P
James Pae	21	"	Mordington	Lab.	"	P
Tho' McMillan	17	Mlothian	Dalkeith	Tinsmith	"	James Martin
Jas Falconer	20	&	Inveresk	Weaver	"	David Nisbet
Rich. Pringle	21	Berwick	Colding	Weaver	1799	P
Wm Eddington ⁴⁵	18	&	Greenlaw	Miller	"	P
Francis Elliot ⁴⁶	29	Dumfries	Hodd[?]	Lab.	"	Wm Jaffray £10 f.
John Anderson	20	Berwick	Berwick	Lab.	"	P
William Hill	24	Glasgow	Glasgow	Weaver	1800	A Brodie
James Auld	21	Stirling	Larbert	Shoem.	"	James Hewatt
Edrom Parish 8						
Wm Graham	21	Edinburgh	St Cuthberts	Shoem.	1798	George Steel
Jas Johnston	23	Berwick	Edrom	Weaver	"	John Craig
John Paton	18	London	St Ann, Soho	Taylor	"	Adam Hetley
Peter Johnston	28	Berwick	Edrom	Lab.	"	P
Peter Cunie	21	"	Dunse	Weaver	1799	Alex Hilstons
Wm Younger ⁴⁷	21	"	Whitsorn	Lab.	"	P
Mark Craig	24	"	Colding.	"	"	P
John Borkless	17	"	Ladykirk	Weaver	"	Peter Learmouth
Eymouth Parish 2						
Wm Purvis	23	Berwick	Colding.	Shoem.	1800	Thos Johnston
Peter Turner	18	Haddington	Haddington	Miller	"	John Downie 11G fs
Langton Parish 3						
Wm Short	20	Berwick	Eccles	Lab.	1798	P
Robert Morton	18	"	Dunse	Shoem.	"	Henry Lonham
Donald Lamont	37	Argyl	Krikousland [?]	Lab.	1799	Wm Waddel
Foggo Parish 2						
James Spence	18	Berwick	Dunse	Lab.	1798	Wm Barnes
Peter Grant	30	Inverness	Urquhart	Lab.	1799	Tho' Aikin

Longformacus Parish 2						
James Alexander ⁴⁸ John Morton Alex Beaton	21 17 19	Ayr Berwick Renfrew	Gorvan Dunse Paisley	Lab. Shoem. Weaver	1799 " 1800	Rob Whitlaw 11G fs John Dods John Mitchel
Eccles Parish 7						
Alex Shuth Thos Darling Thos Gowans James Johnston Adam Wilson Wm Renton Alex Trotter	24 21 18 17 21 17 20	Berwick & Edinburgh Mlothian Berwick & Roxburgh	Powarth Sainton[?] Edinburgh Cranston Coldstream Swinton Smail[+?]	Weaver Weaver BasketW Ploughman Weaver Lab. Taylor	1798 " " " 1799 " 1800	Robert Balleny Wm Alexander Cockburn Comyn ⁴⁹ Wm Greive P John Robertson John Paterson
Ayton Parish 7						
Jas R. Prendergast Thos Holywell Wm McLeran James Thomson ⁵⁰ Jas Howliston Henry Campbell ⁵¹ Andrew Liddell Wm skinner Robert Smith	23 21 16 21 19 17 5 17 18	Berwick Greenlaw Dunse Dumfries Berwick Mlothian Linlithgow Mlothian Renfrew	Ayton Greenlaw Dunse Johnston Lauder Heriot Linlithgow Corstophin Paisley	Joiner Plasterer Weaver Lab. Weaver Lab. Stockgm. Lab. Weaver	1798 " 1800 1799 " 1798 1800 " "	P Geo Lovkeep James Orkney Jas Neilson 11 G s. Adam Hevit £10 f. David Jaffray£10 f. H Lockart Joseph Vass Thomas Ford
Hulton Parish 5						
Andrew Easton Adam Edgar John Heron John Logan David Ballemey	20 21 18 21 21	Berwick " Berwick " Haddington	Hulton Cockburnpath Berwick Ayton Prestonpans	Weaver Lab. Merch Clk. Lab. Potter	1798 " " 1799 "	P P John Johnston P Wm Lamb. £10 f.
Ladykirk & Whitsom Parishes jointly 5						
David Hume John Moseby Thomas Fraser Andw Anderson Jas Paterson	20 19 23 22 21	Berwick " Dublin Durham Berwick	Swinton Edrom Dublin Norham[?] Ladykirk	Blacksmith Weaver Taylor Lab. "	1798 " " 1799 "	P John Young Geo Fleming £10 f. P P
Cockburnspath Parish 6						
William Stewart Robert Snodgrass Stephen Grosert Adam Jackson Thomas Veitch Wm Wright ⁵² Alex Walker	17 20 20 23 21 22 21	Berwick Wigton Mlothian Haddington Berwick Mlothian Berwick	Buncle OldGlenl[+?] Dalkeith Dunbar Cockburns.. Musselbg Cockburns.	Weaver Shoem. Shoem. Lab. Farmer Lab. Shoem.	1798 " " 1799 " " 1801	Jas Aitchison Wm Piffer £12 s. Rob Ilay £12 sub. P P John Kinghorn George Paterson
Mordington & Fouldon Parishes 3						
Robert Scott Wm Anderson Wm Fraser ⁵³ Peter McNaughton	20 23 12 18	Berwick Fife Inverness Edinburgh	Mordington Largo Kirkhill Edinburgh	Lab. Weaver Lab. Blacksmith	1798 " " 1800	P Wm High £10 fine. Jas Sligh £10 fine. Wm Fraser
Channelkirk Parish 3						
Thomas Stirling David Scott Adam Gordon	22 22 26	Mlothian Berwick Nanni[?]	Stowe Channelkirk Artetach	Lab. Shoem. Lab.	1798 " 1799	P P Geo Murray £10 f.
Cranshaws Parish 1						
Henry Ker	20	Berwick	Edrom	Lab.	1798	P

Gordon Parish 3						
John Ramsay George Storey Simon Fraser	17 24 34	Mlothian Haddington Inverness	Dalkeith Tranent Urquhart	Weaver Lab. Lab.	1798 " 1799	Robert Wilson John Walker £10 f. Adam Dalgleish
Legertwood Parish 2						
David Robertson John Mallsy	17 25	Mlothian Ayr	Newbattle Ayr	Shoem. Shoem.	1798 1799	Wm Hermiston James Forsyth
Nenthorn Parish 2						
Geo Redpath Wm Scott	20 20	Mlothian Dumfries	Dalkeith Midleby	Lab. Lab.	1798 1799	Walter Rae £10 fine John Landels £15 s.

¹ Deserted 27 June 1800.
² Died 30 July 1800.
³ Glasgow Barony Parish
⁴ Stockingweaver.
⁵ £ 10 fine.
⁶ Duncan Robertson £ 10 fine.
⁷ John Borrowman £ 10 fine.
⁸ James Horsburgh £ 12 fine.
⁹ Discharged 29 Septr. 1801.
¹⁰ FS: for substitute
¹¹ St. Andrews – Auckland.
¹² Dead: 20th Feby. 1801.
¹³ Discharged: 9th Sept. 1801.
¹⁴ £10 for discharged.
¹⁵ Discharged.
¹⁶ Discharged: 14 July 1800.
¹⁷ Discharged: 29 Sept. 1801.
¹⁸ Discharged: 8 Sept. 1801.
¹⁹ Discharged: 24 Oct. 1800.
²⁰ Discharged: 24 March 1801.
²¹ Dead: 22 Decem. 1801.
²² Butcher Ropemaker
²³ Copperplate Printer.
²⁴ Dan Somerville £ 11 for substitute.
²⁵ Deserted: 14 May 1801.
²⁶ Deserted: 24 March 1801.
²⁷ 24 March 1801. Claimed by the Royal Artillery a deserter.
²⁸ Discharged: 29 Sept. 1801.
²⁹ Dead: 25 Jany 1802.
³⁰ Tho’ Bridewood, £12 for substitute.
³¹ Discharged: 24 Decem. 1800.
³² Deserted: 4 Febry 1801.
³³ Discharged: 15 June 1801.
³⁴ Hairdresser & Painter.
³⁵ Merchants Clerk.
³⁶ Seized for Theft – 21st April 1802.
³⁷ Discharged: 1st Octr. 1801.
³⁸ Discharged: 24 January 1801.
³⁹ Jas McClenaham, 10 G for discharge.
⁴⁰ Discharged: July 1800.
⁴¹ Dead: 15 Decemr. 1801.
⁴² Dead: 23 January 1801.

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- ⁴³ Discharged: 19 Feby 1802.
⁴⁴ W Turnbull & J Brockie £10 fine each.
⁴⁵ Discharged: 24 July 1800.
⁴⁶ Discharged: 24 March 1801.
⁴⁷ Dead: 25 March 1802.
⁴⁸ Dead: 24 June 1801.
⁴⁹ Cockburn Comyn, £ 10 fine.
⁵⁰ Dead: Ayr 6 Sept. 1800.
⁵¹ Discharged: 17 July 1800.
⁵² Dead: 24 Mar 1801.
⁵³ Discharged: 24 Oct 1800.

Appendix: G

GD 224/437/2

10. OR. EDINBURGH REGIMENT. OF. NORTH. BRITISH. MILITIA.

Courts-martial:

Court Day	Name	Crime	Sentence	Pardoned or part remitted.
1798				
1 Sept.	George Corvie	For threatening to strike Serj, Watson & Corp. Hume in the execution of their duty on 30 Aug.	150 lashes	50.
1 Sept.	John Elder	For abusing Insp. Sandford and Sandlady. [?]	Not Guilty	"
16 March	John Elder	For being drunk on parade on the morning of Thursday the 14 Inst.	300 lashes	100
25 May	Will Hamilton	Habitual Drunkeness	200 lashes	150
Dlk	Gilbert Wright	For being drunk	100 lashes	Pardoned
31 July	John Aikman	Irregular behaviour	200 lashes	"
9 August	Corp. Dav. Reid	Irregular behaviour	100 lashes	Remitted
1799				
18 Sept.	William Harkess	Refusing to go to drill	300 lashes	100
21 ditto	John Aikman	Irregular behaviour &c.	740 do	450
23 Oct.	Thomas Henderson	Insolence	Acquitted	"
4 Dec.	Dav. Watson	Disorderly behaviour	500 lashes	350
				300
1800				
2 Jan.	James Alexander	Ditto	500 lashes	
21 Jan.	Corp. John Hume	Neglect of duty	Reduced to Private	
Ditto	Corp. John Gray	D	D	
27 Jan.	Serj. John Brydon	Makg a false Rep.	Reprimanded	
7 May	Adam Sutherland	Assailing him in the Exec. of his duty.	Not Guilty	
Ditto	Serj. Rob Colston	Ditto	Ditto	
12 May	John Colston	Ab from Parade	Susp. for month	
do		Ab. From Sap, balling & comg over the Barrack wall.	200 lashes	200
29 Aug.	James Renton	Going to a Woman and obtaining Bread in Serj. Liddle's name.	300 lashes	175
18 June	Russ Auld	Suspicion of Theft.	300 lashes	
16 July	Robert Morton	Out of Quarters on the Evg. of the 14 Inst.	200 lashes	Pardoned
4 August	Peter Primrose	Drunk on parade the 3 Inst.	100 lashes	Pardoned
25 July	Andw Watson Serj.	For disorderly conduct in raising the drum of the Main Guard to beat the Reveillie before the time appointed.	Acquitted by the Court.	Reduced to Rank & Pay of Private
1 Sept	Andrew Allan	Being out of Barracks without leave on 28 Aug.	250 lashes	150
1 Sept.	George Inglis Corp.	For being absent at Saptoo[?] Roll-call on the Evg. of 29 Aug.	Reduced to the Rank & Pay of Private & Receive 100 lashes	100
1 Sept.	James Short	Ditto	100 lashes	Pardoned
Ditto	Will. Cunningham	D	D	D
8 Sept.	James Falconer	Neglect of duty	Reduced to the Rank & Pay of	

			Private.	
22 Sept.	Lance Corp. Snodgrass	Disorderly conduct	Reduced from Lan. Corp & to receive 300 lashes	300
29 Oct.	Christopher Forbes	Insolence and disobedience of Orders.	400 lashes	300
3 Nov.	Will. Pettie Serj.	Embezzling par of the mens subsistence of S. Coy.	Reduced to Rank & Pay of Private	
14 Nov.	Rob Turner Corp.	Taking & fraudulently conceding & Keeping a Silver watch belonging to Serj. Young since 13 th Sept. last.	Reduced to Rank & Pay of Private & to receive 200 Lashes	200
10 Dec.	William Gilroy	Neglect of duty	200 lashes	100
11 th	Willm Graham	Disobedience of Orders and Irregular behaviour	200 lashes	50
11 th	John Hart	Disobedience of Orders and Irregular behaviour	24 hours in Blackhole	
19 th	Will. Harkess	Susp. of Theft	300 lashes	300
1801				
10 Feb.	Will. Marshall	Absenting himself from Quarters, without leave.	300 lashes	Pardoned
23	Corp. Dav. Reid	Neglect of duty	Suspended from Rank & Pay of Corp. during the Comd Officers pleasure 5 hun. lashes	275
25	John Watt John McCall Geo. Nicol	Suspicion of Theft	Ditto Acquitted	300
31 March	William Rutherford Robert Morton Jn. Runaman	Rioting on the Streets at unseasonable hours	Acquitted	
20 April	Will Moody	Absent from Evening drill & drunk the 17 Inst.	Reduced to the Rank & Pay of Private	
24 May	David Grant	Insolence	Acquitted	
30	Andrew Fyrie Rob Fraser Thos Reid John Ormond	Absenting themselves from Quarters contrary to orders – Reid & Ormond being at the time on the Picket Guard.	100 lashes 100 Ditto 200 Ditto 200 Ditto	50 50 50 100
30	James Alexander	Suspicion of Theft.	500 lashes	200
27 July	John Mosely	Neglect of duty	Acquitted	
4 Aug.	John Hewitt	Absenting himself from Quarters	300 lashes	199
D 21	Peter Irvine	Insolence to Corporal Murray	200 lashes	75
12 Dec.	Will. Rae Will. Rutherford Jas Richardson	Absenting themselves from the City Guard	100 lashes 200 do 300 do	

Customs and Excise revenues, 1791-1797

[From: John Bruce, :‘REPORT, On the Events and Circumstances which produced the Union of the Kingdoms of England and Scotland’.]

A P P E N D I X, No. LXIX.

An Account of the Grofs Receipt and Net Produce of the Revenues of Customs and Excise in ENGLAND and in SCOTLAND, in the following Years, distinguishing each Year.

ENGLAND.				EXCISE.			
CUSTOMS.							
Gross Receipt.		Net Produce.		Gross Receipt.		Net Produce.	
£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
5,758,500	—	3,936,499	—	9,210,497	—	7,821,461	—
5,749,779	—	3,962,961	—	9,581,784	—	8,028,001	—
5,327,685	—	3,892,692	—	8,943,082	—	7,633,840	—
5,625,316	—	3,500,536	—	9,433,307	—	8,076,110	—
6,570,455	—	3,499,556	—	10,323,282	—	8,950,348	—
6,119,057	—	3,556,919	—	10,401,658	—	8,715,807	—
5,065,203	—	3,903,313	—	11,069,668	—	9,438,380	—

SCOTLAND.				EXCISE.			
CUSTOMS.		Net Produce.		Gross Receipts.		Net Produce.	
		£.	s. d.	£.	s. d.	£.	s. d.
1791	287,318	2	11	498,411	—	375,661	—
1792	296,039	3	—	532,083	—	461,361	—
1793	246,021	17	5	469,404	—	355,282	11
1794	216,524	19	5	530,585	19	413,908	6 11½
1795	205,540	1	2	542,888	16	422,552	—
1796	262,945	5	5	558,767	8	423,785	6 11
1797	274,645	17	4	851,775	—	695,412	16 11

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* Search based on Palmer's Index for *The Times*.

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